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Discussion on the theme "Indigenous peoples' collective rights to lands, territories and resources"

Indigenous peoples' collective rights to lands, territories and resources

Note by the Secretariat

Summary

The present note provides a brief overview of the situation of indigenous peoples with regard to their rights to lands, territories and resources and the challenges that they face in exercising those rights. Recommendations made by the Permanent Forum on Indigenous Issues on the theme "Territories, lands and natural resources" at its 2007 session are taken into consideration therein. The note also provides some examples of good practices and highlights the challenges that remain to bridge the gap between policy and practice.

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I. Introduction

1. The identity of indigenous peoples as distinct peoples is linked to their rights to own, conserve and manage their own lands, territories and resources, which are fundamental to their survival.

2. In the historic study of the problem of discrimination against indigenous populations prepared by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, José R. Martínez Cobo, he noted that it was essential to know and understand the deeply spiritual, special relationship between indigenous peoples and their land as basic to their existence as such and to all their beliefs, customs, traditions and cultures. For such peoples, the land was not merely a possession and a means of production. Their land was not a commodity which could be acquired, but a material element to be enjoyed freely (E/CN.4/Sub.2/1986/7/Add.4, paras. 196–197).

3. During the colonization process in many countries, indigenous peoples' territories were frequently defined as *terra nullius* (no man's land), which provided the justification to occupy the land and at the same time deny indigenous peoples' rights to their lands. For example, all of Australia was defined during colonization as *terra nullius* despite the presence of hundreds of thousands of Australian Aboriginal and Torres Strait Islander peoples. In the Americas, colonizers articulated a doctrine of discovery that provided legal and political justification for the dispossession of indigenous peoples from their lands. Land dispossession was often facilitated by disease and extermination. It is estimated that the entire population of the Americas decreased by up to 95 per cent in the 150 years after its first encounter with Europeans in the late fifteenth and early sixteenth centuries.[1]

4. The concepts of doctrine of discovery and *terra nullius*, together with policies of colonization, whether over land or by sea, perceived indigenous peoples as "backward", "savage" and "inferior" peoples who did not fully understand the concept of land ownership. Attitudes, doctrines and policies were frequently driven by religious, economic and geopolitical ideologies and agendas that justified taking lands from indigenous peoples. Such attitudes are often prevalent to the present day, with Governments, the private sector and others citing national interests, progress and development or conservation as the reason, with the end result that indigenous peoples continue to lose rights and access to their traditional lands, territories and resources.

5. In the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in September 2007, after over 20 years of negotiation and discussions, the rights of indigenous peoples to their lands, territories and resources are recognized — an achievement for indigenous peoples, who have long suffered from "colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests". This dispossession is an existential threat to indigenous peoples: there is a clear link between the loss of indigenous peoples' lands and situations of marginalization, discrimination and underdevelopment of indigenous communities. According to the Chairperson-Rapporteur of the then Working Group on Indigenous Populations, Erica-Irene A. Daes, "the gradual deterioration of indigenous societies can be traced to the

[1] Rodolfo Stavenhagen, "The status and rights of the indigenous peoples of America", report prepared for the Inter-American Commission on Human Rights, July 1991.

non-recognition of the profound relationship that indigenous peoples have to their lands, territories and resources, as well as the lack of recognition of other fundamental human rights" (E/CN.4/Sub.2/2001/21, para. 21).

II. Relevant international standards concerning indigenous peoples' collective rights to lands, territories and resources

6. The rights of indigenous peoples to their lands, territories and resources are extensively covered in the United Nations Declaration on the Rights of Indigenous Peoples, as well as in the Indigenous and Tribal Peoples Convention, 1989 (No. 169), in articles 13 to 19, and the earlier Indigenous and Tribal Populations Convention, 1957 (No. 107), of the International Labour Organization (ILO). The centrality of the rights of indigenous peoples to lands, territories and resources is illustrated by the fact that there are 19 references to lands and territories in the Declaration (see e.g. the sixth, seventh and tenth preambular paragraphs and arts. 8, 10, 25–26, 28–30 and 32). Of particular relevance is article 26, which reads:

> 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
>
> 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
>
> 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Universal instruments also enshrine the said rights.

7. The ILO supervisory system has made a number of observations on the rights of indigenous and tribal peoples to their lands, territories and resources when examining the reports on compliance with Convention No. 169 and the earlier Convention No. 107. The Committee of Experts on the Application of Conventions and Recommendations has consistently emphasized the importance of secure land tenure, effective consultations and the participation of indigenous peoples in land management.[2]

8. There are also implicit references to land rights in a number of international instruments, including the Universal Declaration of Human Rights (art. 17, which refers to property rights), the International Covenant on Civil and Political Rights (arts. 3 and 27), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 and general recommendation No. 23 (1997) on the rights of indigenous peoples). In monitoring compliance with the provisions of specific treaties, treaty bodies have developed a sound body of jurisprudence on indigenous peoples that is of relevance to land rights, in particular in relation to article 27 of the International Covenant on Civil and Political Rights, which reads:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with

[2] Based on a review of online comments by the supervisory bodies, available from www.ilo.org/dyn/normlex/en/.

the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

9. Under article 27, the Committee addresses the impact of development projects and evictions on land rights and the welfare of indigenous peoples, through the application of the principle of free, prior and informed consent as the guiding norm for compliance with a State's duty to consult. Other recent issues raised under article 27 of the Covenant, relating to country-specific situations, involved: (a) the need for prompt demarcation of indigenous lands; (b) encouraging legislation recognizing indigenous land rights; (c) the conferral of title recognition on a group as an indigenous people; (d) the active protection of language; (e) effective access to land restoration processes; (f) the provision of adequate resources to indigenous representative bodies; (g) effective access to justice; (h) the length of negotiations; (i) strengthening indigenous education and child and family services; (j) the protection of sacred areas; and (k) participation in law-making.[3]

III. Permanent Forum on Indigenous Issues

10. Since the establishment, in 2000, of the Permanent Forum on Indigenous Issues by the Economic and Social Council, at each of its sessions indigenous peoples have emphasized the spiritual, social, cultural, economic and political significance of lands, territories and resources to their identity, well-being and survival.

11. The special theme of the sixth session of the Permanent Forum on Indigenous Issues, in 2007, was "Territories, lands and natural resources". In its report on the session, the Permanent Forum emphasized that the protection of indigenous peoples' right to lands, territories and natural resources was a key demand of indigenous peoples everywhere, central to their material and cultural survival, and that, in order to survive as distinct peoples, indigenous peoples and their communities needed to be able to own, conserve and manage their territories, lands and resources (E/2007/43, paras. 5–6).

12. The Permanent Forum emphasized the following principles:

(a) Indigenous peoples are entitled to effectively participate in drafting policies and laws related to resource management and development processes;

(b) Indigenous peoples have a central role in decision-making and implementation of land- and resource-related projects;

(c) Indigenous peoples have a central role in dispute resolution over lands, territories and resources;

(d) States have an obligation to protect indigenous peoples' rights to lands, territories and resources, and those rights must be effectively enforced through penalties for harmful activities on indigenous peoples' lands;

(e) States have an obligation, in cooperation with indigenous peoples, to identify indigenous peoples' lands and to provide specific legal protection for the rights of ownership over those lands.

13. The Permanent Forum has continued to focus on the issues and concerns of indigenous peoples, which have often been linked inextricably to their land rights. A

[3] For more details, see the United Nations treaty body database, available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en.

number of studies conducted by Forum members have highlighted the rights to lands, territories and resources.

14. At the tenth session of the Permanent Forum, in 2011, a press conference on extractive industries and mega-projects in territories of indigenous peoples[4] was held, highlighting the need for Governments, multinational corporations and banks to respect international environmental standards when extracting natural resources or constructing projects in biologically diverse lands.

15. In 2013, at the twelfth session of the Permanent Forum, a consolidated report on extractive industries and their impact on indigenous peoples (E/C.19/2013/16) was prepared by Saúl Vicente Vázquez. At the thirteenth session, in 2014, a study on best practices and examples in respect of resolving land disputes and land claims, including consideration of the National Commission on Indigenous Peoples (Philippines) and the Chittagong Hill Tracts Land Dispute Resolution Commission (Bangladesh) and the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights (E/C.19/2014/4) was conducted by Raja Devasish Roy and Simon William M'Viboudoulou. Other studies conducted by Forum members also have a bearing on the issue.[5]

16. At its sixteenth session, in 2017, which marked the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum reiterated its position that "collective rights to lands, territories and resources and the right to self-determination, as recognized in articles 3 and 26, are among the most important provisions of the Declaration and the most challenging to implement. Legal recognition of indigenous peoples' rights to lands, territories and resources must be complemented by effective implementation through enabling legislation, executive action and judicial protection. It is also critical that legislation enacted to establish recognition of indigenous peoples' rights not be undermined or contravened by other laws and regulations" (E/2017/43, para. 5).

IV. Challenges faced by indigenous peoples in exercising their collective rights to lands, territories and resources

17. The challenges faced by indigenous peoples in exercising and enjoying both individual and collective rights to lands, territories and resources are due to a range of factors related to conflicts, extractive industries, infrastructure and development projects, commercial logging, population and socioeconomic pressures.

18. In many countries, the fact that indigenous peoples inhabit and use specific lands and territories and have often done so since time immemorial is often ignored and not given due recognition. Those areas are typically geographically isolated and far from major urban areas. The indigenous peoples in those territories regard themselves as the rightful owners of the lands and continue to manage the land as they have in the past. States tend to have a different view, and there are innumerable examples of State action that has denied indigenous peoples' rights to their lands, territories and resources and effectively defined indigenous peoples as squatters on their own lands.

[4] United Nations, "Press conference on extractive industries, mega-projects in territories of indigenous peoples", press release, 17 May 2011. Available from www.un.org/press/en/2011/110517_Indigenous.doc.htm.

[5] See www.un.org/development/desa/indigenouspeoples/ for more details.

19. Some countries do not recognize the existence of indigenous peoples within their borders, either stating that all of their citizens are equally indigenous or that there are no indigenous peoples in their countries. In some instances, there is recognition of ethnic minorities and/or tribal peoples, but it is very rarely connected to the recognition of collective rights to lands, territories and resources.

20. Indigenous peoples frequently face legal, political and administrative barriers to the recognition of their collective rights to their lands, territories and resources. Even when indigenous peoples' rights are recognized, land may be allotted to individuals and families, rather than to indigenous peoples as a collective group. Such land allocation can divide the community and serves to weaken the indigenous community or peoples, which invariably results in the fragmentation of their lands and the eventual loss of most, if not all, of the land, due to their sale, transfer and use as collateral for loans.

21. Some States do acknowledge that indigenous peoples have legal collective entitlements to lands, territories or resources, with specific legal concepts such as aboriginal title or ancestral domain. However, such rights are often subject to State power to extinguish such title, in contrast to legal protection in most countries for the lands and properties of non-indigenous citizens and corporations. Ms. Daes noted that "this single fact probably accounts for the overwhelming majority of human rights problems affecting indigenous peoples" (E/CN.4/Sub.2/2001/21, para. 38).

22. Even when States recognize indigenous peoples' rights to their territories, they frequently fail to demarcate indigenous lands. A mapping exercise that involves formally identifying specific locations and boundaries of indigenous lands and physically marking those boundaries on the ground is crucial. Relying only on legal recognitions of indigenous lands, territories and resources has been shown to be almost meaningless, unless the physical property is clearly demarcated. Failure to do so invites conflicts over land, especially when valuable resources are involved.

23. It is equally important to ensure that indigenous peoples' rights to lands are adequately enforced, since fences can be moved, signs can be taken down and forests can be burned and turned into palm tree plantations, especially when there is no enforcement by State authorities. Indigenous peoples often also struggle to find effective recourse to courts or other legal remedies and are vulnerable to violence, intimidation and corruption. In the most extreme cases, indigenous human rights defenders are subjected to serious human rights violations, including assassinations.

24. According to Front Line: International Foundation for the Protection of Human Rights Defenders, 312 human rights defenders were murdered in 27 countries in 2017. [6] Two thirds of them were working to defend land, indigenous and environmental rights. The organization documented 281 killings of human rights defenders in 2016, 185 killings in 2015 and 130 in 2014. The majority of those murders occurred in a small number of countries in Latin America and Asia, although it must be stressed that indigenous human rights defenders in all regions of the world face increasing levels of reprisals.

25. When valuable resources are discovered on or beneath indigenous peoples' lands, or when the exploitation of their lands is directly associated with national development priorities or national interests, indigenous peoples have been and continue to be removed from their lands and territories. Removal and relocation are

[6] Annual report on human rights defenders at risk in 2017, available from www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017.

typically employed in cases of large-scale infrastructure projects (highways, hydroelectric dams), natural resource extraction (gold mining, oil and gas extraction, logging) or agriculture projects (soybean cultivation, palm oil plantations). Activities by the military are another cause of forced removal. The effects on indigenous peoples are typically devastating, involving not only the loss of lands and territories but also the loss of traditional livelihoods, cultures and languages and poorer health outcomes.

26. Indigenous peoples are often directly or indirectly affected by conflicts that occur on or close to their traditional lands. The Permanent Forum, at its 2016 session, focused on the theme of conflicts and found that, even in peaceful societies, indigenous peoples often found themselves involved in situations that escalated to conflict relating mostly to their lands, territories and resources (E/2016/43 , para. 49). The rapid pace of globalization and processes to identify new venues for resource exploitation have accelerated such conflicts on indigenous peoples' land. Indigenous peoples also increasingly experience armed conflicts and militarization on their lands.

27. With a growing understanding of the importance of sustainable development and conservation, as well as in response to international agreements, States have increasingly designated significant amounts of territories for conservation. Such areas are often inhabited by indigenous peoples, and the designation of the areas frequently leads to indigenous peoples' displacement.

28. Tourism has also had a similar effect, although there are also important examples of indigenous peoples themselves participating in the administration of nature reserves and national parks, as well as in tourism activities.

V. Achievements and the way forward

29. Some positive steps have been taken to address past injustices and to recognize indigenous peoples' collective rights to their lands. For example, the Plurinational State of Bolivia, in its 2009 Constitution, recognizes indigenous legal systems and collective ownership and autonomous management of indigenous lands, as well as the right of indigenous peoples to prior consultation regarding any legislative or administrative measures that affect them. In the Constitution of Ecuador, the collective rights of indigenous peoples, including the collective ownership of their lands and their autonomy in the government of indigenous territories, are also recognized. In Canada, the creation of Nunavut ("our land" in Inuktitut, the Inuit language) in 1999 was the outcome of the largest aboriginal land claims agreement between the Government and the native Inuit people. In 2013, the Constitutional Court of Indonesia ruled that the customary forests of indigenous peoples should not be classified as "State forest areas", enabling wider recognition of indigenous peoples' collective rights to their territories. The Government of Indonesia has begun to enforce that decision, although progress has been modest.

30. A good example is the adoption in Norway in 2005 of the Finnmark Act, which creates a unique land rights claims procedure for lands and resources that have been transferred to the Finnmark Estate. Pursuant to the Act, the established Finnmark Commission and Finnmark Land Tribunal are mandated to consider and decide on land rights claims from Sami and others. The Commission is the entity of first instance, whereas the Tribunal is the special court of appeals.

31. If the Commission concludes that there is a rightful owner other than the Finnmark Estate, the Estate will decide whether to accept the conclusions of the Commission. If it accepts the conclusions, it shall ensure that such rights are

registered. In cases where the Estate, or any other party, is dissatisfied with the conclusions of the Commission and the Commission fails to facilitate an agreement between the parties through a mediation process, the dispute can be filed with the Tribunal. Cases can be further appealed to the Norwegian Supreme Court.

32. In recent years, the Government of Colombia has expanded indigenous territories (*resguardos indígenas*) in the Amazon region by approximately 600,000 ha, as protected areas, recognizing indigenous peoples' right to their lands, which is also a recognition of their traditional knowledge in sustainable land management.

33. Indigenous peoples in Africa have also seen some gains through the courts. In the case *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya* of 4 February 2010,[7] the African Commission on Human and Peoples' Rights declared that the expulsion of the Endorois from their ancestral lands violated numerous human rights of the African Charter on Human and Peoples' Rights, including the right to property, culture, disposal of wealth and natural resources, ordering Kenya to restore the Endorois to their land and to compensate them.

34. Notwithstanding court decisions, legal recognition and administrative decisions, there is ultimately a need for implementation on the ground. The Special Rapporteur on the rights of indigenous peoples has made the following observation:

> Land-titling procedures have been slow and complex and, in many cases, the titles awarded to the communities are not respected in practice. At the same time, privatization of traditional lands is on the increase. This measure is claimed to benefit indigenous owners in that it provides legal certainty. The Special Rapporteur has, however, observed that in the long run the indigenous communities tend to lose their traditional lands and territories to the various private economic interests of either firms or individual invaders and settlers who have managed to install themselves in traditional indigenous areas. (A/HRC/4/32, para. 14)

35. Indigenous peoples' land rights are particularly vulnerable when valuable natural resources are identified within their territories, when infrastructure projects such as highways or hydroelectric dams are built on their traditional lands and when their territories are identified for large-scale agricultural development. The production of soy, palm oil and other commodities accounts for roughly half of global deforestation, which subsequently also displaces indigenous peoples who live and depend on forests for their survival. Other examples include gold mines in Guatemala and the Philippines, zinc mines in Australia and petroleum extraction in Cameroon and Chad. The trends are similar around the world. Such practices not only have negative effects on the affected indigenous peoples but are frequently a cause of social conflicts that can undermine the stability of entire countries.

36. Such activities are frequently public-private partnerships that have an impact on the capacity of States to protect indigenous peoples' rights. This further highlights the need for Governments and international entities to create inclusive consultative mechanisms that lead to outcomes that are legally binding. Such mechanisms should not only ensure effective consultations, based on the principle of free, prior and informed consent, but also allow indigenous peoples to fairly share in the benefits of such activities.

[7] Available from www.refworld.org/cases,ACHPR,4b8275a12.html.

VI. Questions for consideration

37. In view of the information presented in the present note regarding the achievements and continued challenges to the realization of the collective rights of indigenous peoples to lands, territories and resources, the Permanent Forum may wish to frame its discussion of the issue around the following guiding questions:

1. How can the collective rights of indigenous peoples to their lands, territories and resources be guaranteed?
   (a) What are examples of indigenous peoples' access to justice?
   (b) What is the role of indigenous governance institutions?
2. Taking into consideration the increasing recognition of indigenous peoples' collective rights to their lands, territories and resources, can the persistent implementation gap be bridged?
   (a) What are good examples of laws, policies and administrative measures that promote and protect the collective rights of indigenous peoples?
   (b) How can the judiciary protect the collective rights of indigenous peoples?
   (c) How can court decisions on indigenous peoples' land rights be enforced?
   (d) How can human rights institutions promote and protect the collective rights of indigenous peoples?
3. What is the role of business in respecting indigenous peoples' collective rights to their lands, territories and resources?
   (a) What is the role of the State?
   (b) What is the role of the international community?
   (c) What is the role of investors and financial institutions?
4. What are good examples of indigenous peoples and their organizations advancing and securing their collective rights to lands, territories and resources:
   (a) Existing and planned mapping and demarcation initiatives;
   (b) Community conservation programmes;
   (c) Securing land titles and tenure rights;
   (d) Successful alliances, networks and partnerships?
5. How can an environment of impunity and lack of accountability be addressed? What actions should be taken to protect indigenous human rights defenders?
6. How can the indigenous peoples' collective rights to lands, territories and resources be aligned with conservation efforts?
7. How can the indigenous peoples' collective rights to lands, territories and resources be aligned with national development priorities?

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Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Compilation of information from national human rights institutions

Note by the Secretariat

Summary

The present report is a compilation of the responses received from national human rights institutions to a questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues on actions taken or planned in relation to indigenous peoples in order to identify and share good practices. The questionnaire and the complete responses from the institutions are available on the website of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/17-2.html).

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I. Introduction

1. As part of its ongoing engagement with national human rights institutions, the Permanent Forum on Indigenous Peoples sends an annual questionnaire to national human rights institutions requesting information on their work with indigenous peoples. [1] At its sixteenth session, the Permanent Forum acknowledged the contributions of national human rights institutions in the promotion and protection of human rights, including the rights of indigenous peoples, and welcomed their participation in future sessions of the Forum.

2. During the reporting period, the secretariat of the Permanent Forum received written responses to its questionnaire from the national human rights institutions of Denmark, Finland, Malaysia, Namibia, New Zealand and the Philippines on actions taken or planned in relation to indigenous peoples. Other institutions advised that they would submit their responses at a later stage. All responses received will be available on the website of the seventeenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/17-2.html).

3. The questionnaire contained questions on four areas: (a) recommendations of the Permanent Forum related to the situation of human rights defenders; (b) indigenous peoples' collective rights to lands, territories and resources; (c) the promotion and protection of indigenous peoples' rights; and (d) follow-up to the World Conference on Indigenous Peoples.

II. Responses of national human rights institutions

A. Recommendations of the Permanent Forum: indigenous human rights defenders

4. In line with the focus on indigenous human rights defenders at the sixteenth session of the Permanent Forum in 2017, national human rights institutions were asked to provide information on results achieved and lessons learned through the efforts of human rights defenders.

5. The Danish Institute for Human Rights is the national human rights institution of Denmark and Greenland. In its role as the national human rights institution for Greenland, the Institute aims to secure, promote and enhance the human rights of the Inuit population of Greenland. The Institute supports the appointment by the Government of Denmark of the National Criminal Defence Counsel for Greenland. The Counsel will have an advisory function for the criminal defence counsellors situated in local communities around Greenland and will also have the main responsibility for both the basic and continuing education of the Greenlandic criminal defence counsellors. The Institute views the appointment of the Counsel as a major step in enhancing the principle of equality of arms in the Greenlandic criminal law

[1] The questionnaire was sent to 38 national human rights institutions accredited by the International Coordinating Committee on National Human Rights Institutions: 10 in Asia and the Pacific; 8 in Africa; 14 in Latin America and the Caribbean; 1 in North America and 5 in Europe. Participating institutions were chosen based on the following criteria: (a) previous participation in sessions of the Permanent Forum; (b) responses to the 2017 questionnaire; and (c) institutions represent countries with indigenous peoples, including self-identified indigenous peoples. More detailed information on national human rights institutions can be obtained from the website of the Global Alliance of National Human Rights Institutions (http://nhri.ohchr.org/EN/Pages/default.aspx).

system, given to the current lack of criminal defence counsellors, as well as in securing the right of defendants to legal assistance in a language they understand. The National Criminal Defence Counsel is also a member of the Human Rights Council of Greenland.

6. In its work with national human rights institutions in Africa, Asia and the Pacific and Latin America and the Caribbean, under the Indigenous Navigator framework,[2] the Danish Institute for Human Rights has focused its efforts on the promotion of the rights of indigenous human rights defenders. The Indigenous Navigator monitoring tools include questions about indigenous human rights defenders. The indicators used by the Danish Institute are aligned with Sustainable Development Goal 16, indicator 16.10.1, on killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates. The data collected under the Indigenous Navigator framework will feed into national and global data collection on this indicator. The Danish Institute will continue its cooperation with other national human rights institutions on operationalizing data generation.

7. The Human Rights Centre of Finland conducts continuous follow-up on Sami-related issues and is involved in ongoing cooperation with the Sami Parliament. The advancement and promotion of the rights of the Sami people, their culture and their languages is an important part of the work carried out by the Human Rights Centre to counter discrimination, inequality and negative stereotypes. The Sami, as a group of people in a disadvantaged situation, is included within the human rights monitoring process. As a result of the work of the Sami Parliament, the Human Rights Centre and civil society actors, there have been a number of recommendations from the United Nations system, as well as by the Council of Europe, to improve the situation of the Sami. Furthermore, awareness and knowledge of indigenous issues has been expanded, to some extent, and efforts continue to increase attention and information in order to dispel and counteract existing stereotypes and discriminatory attitudes. In addition, there has been an improved understanding of the processes and the opportunities for influence contained in the various monitoring systems. Further training for members of civil society on how to effectively use the tools and options available within the various processes is needed.

8. In Namibia, the Ombudsman maintains a constructive relationship with non-governmental and civil society organizations and actively participates in their activities in order to enhance the rights of indigenous peoples. The main organizations active in promoting and protecting the rights of indigenous peoples include the Legal Assistance Centre, the San Council, the Hizetjitwa Indigenous Peoples' Organization, the Women's Leadership Centre and the //Ana-Jeh San Trust, as well as other smaller regional-based organizations.

9. In the Philippines, laws, including the Indigenous Peoples Rights Act of 1997, expressly recognize indigenous political structures, promote the formation of indigenous peoples' organizations and require the mandatory installation of indigenous peoples' representatives in policymaking bodies and other local legislative councils of the Philippine Government. Despite the existence of these structures, indigenous human rights defenders suffer harassment and their basic human rights to life, liberty, property and security are oftentimes violated when they advocate and demand the rights of the indigenous peoples to ancestral domains, self-governance,

[2] See http://indigenousnavigator.org/index.php/en/.

social justice and cultural integrity. The Commission on Human Rights of the Philippines has a designated commissioner on human rights defenders.

10. The Commission is formalizing the establishment of an indigenous peoples' human rights observatory as an independent source of data to evaluate the impact of State programmes and projects on the rights of indigenous peoples. The establishment of such an observatory involved a national inquiry into the human rights situation of the indigenous peoples of the Philippines, which was launched in May 2017. During 2017, several public hearings were held on the subject in Puerto Princesa, Palawan, Tagaytay, Cavite, Davao City and Tagoloan, Misamis Oriental. During the course of the hearings it was found that there are threats to the identity of the indigenous peoples in the Philippines. The observatory will specialize in the documentation, application and practice of customary laws in all efforts to provide preventive and remedial measures with regard to the rights of indigenous peoples.

B. Indigenous peoples' collective rights to lands, territories and resources

11. One of the most important tasks of the Danish Institute of Human Rights is to observe and comment on proposed Greenlandic legislation to ensure that it is in accordance with human rights, including the rights of the indigenous peoples. In this context, the Danish Institute has recommended that the Government of Greenland consult all affected citizens and communities before any concession under the national act on natural resources and the consolidated act on concession of tourist activity in certain rural areas is authorized. Internationally, the Institute promotes the use of the Indigenous Navigator monitoring tools to generate data on both the structural recognition of indigenous peoples' collective rights to lands, territories and resources in national legislation and the experience of indigenous communities with regard to the implementation or the violation of those rights.

12. The Finnish Human Rights Centre reports that the land rights of the Sami remains an unresolved issue. Several legislative changes concerning the Sami are under preparation at multiple levels of government, and discussions with the Sami and various civil society and human rights organizations are ongoing. The Government has requested an international comparative research study to gather knowledge related, in particular, to the land and participatory rights and definition of the Sami population. The Director of the Centre participated in the work of the steering group for the research study and in a seminar on the issue with participating experts. The report produced by the study was published in January 2017.[3] The report provides new information concerning recent developments in the field of indigenous peoples' rights in international law, including the evolution of legal issues related to indigenous peoples in other countries. It also takes a critical view of outstanding issues and tries to encourage the Government to take bold steps to organize land rights issues related to indigenous peoples, among other matters. In March 2017, the Centre held a discussion on the above-mentioned report within its pluralistic cooperative body, the Human Rights Delegation. The Centre has selected the rights of the Sami as one of the priority topics for its work in 2018.

13. The Human Rights Commission of Malaysia reported the receipt of numerous complaints from indigenous peoples regarding encroachment onto their customary

[3] See http://tietokayttoon.fi/documents/10616/3866814/4_Saamelaisten+oikeuksien+toteutuminen+kansainv%25C3%25A4linen+oikeusvertaileva+tutkimus/e765f819-d90c-4318-9ff0-cf4375e00688?version=1.0.

lands, including one complaint from the indigenous peoples in the State of Kelantan regarding encroachment onto their native customary land, which is a forest reserve, by logging companies. The logging companies had been issued licenses to cut down trees by the State government, which the indigenous peoples opposed by setting up blockades near the forest reserve. The Forestry Department of the State dismantled those blockades and arrested around 41 protesters, who were later released.

14. Representatives of the Human Rights Commission visited the indigenous peoples' area in Gua Musang, Kelantan, twice in 2017 to assess the situation, and met with members of the State government and relevant State government agencies to seek a solution. The representatives of the Commission pointed out that while logging activities generate revenue for the State government, those activities also infringe on the rights of the indigenous peoples. They recommended that the government address the issue in an urgent manner in order to stem the marginalization of the indigenous population. The State government has indicated that it will seek possible solutions to the issues facing the indigenous peoples and that the Commission may also wish to liaise directly with the relevant State government agencies. In this regard, the Commission has been in contact with State Forestry Department, the State Department of Orang Asli Development and the State Land and District Office regarding the complaints received from the indigenous peoples.

15. Article 16 of the Constitution of Namibia provides that all persons shall have the right to own and dispose of movable and immovable property, individually or in association with others. Indigenous peoples do not enjoy this right, however, as under article 100 of the Constitution, all communal land, water and natural resources belong to the State if they are not otherwise lawfully owned. Article 17(1) of the Communal Land Reform Act (No. 5 of 2002) strengthens the constitutional provision by providing that all communal land areas are vested in the State, in trust, for the benefit of the traditional communities in those areas. That provision, which vests communal lands to the State, effectively means that indigenous communities, unlike individuals who have private title, do not have security of tenure for their land and in fact have no legal title to land. Furthermore, the 1991 National Conference on Land Reform and the Land Question resolved that there will be no claim to ancestral land by any person in Namibia.

16. The Ombudsman of Namibia initiated the development of a national human rights action plan, which was adopted by the Cabinet and launched in December 2014.[4] The action plan contains seven focus areas; the right to land is addressed in focus area 5. The Ombudsman recommended the inclusion of a discussion point on ancestral lands on the agenda of a proposed land conference in 2018. Focus Area 7 of the action plan deals with the right of non-discrimination or equality, including the development of a white paper on indigenous peoples' rights, including 11 objectives, as a key intervention. In addition, in September 2017, the office of the Vice-President, and Minister of Veterans Affairs and Marginalized Communities, held consultations on the draft white paper with indigenous communities in five regions of the country. Staff of the Ombudsman's office participated in the workshops. The Ombudsman also conducted a national inquiry into racism, racial discrimination, discrimination in general and tribalism, which culminated in a report that was tabled in the National Assembly in November 2017. Discrimination related to land resettlement and discrimination against indigenous peoples in general were discussed in the report.

[4] See the National Human Rights Action Plan 2015–2019 (https://www.ombudsman.org.na/sdm_downloads/national-human-rights-action-plan-republic-of-namibia-2015-2019/).

17. The Human Rights Commission of Malaysia has been engaged in work relating to indigenous peoples' collective rights to lands, territories and resources since its establishment. The Commission has received numerous complaints from indigenous peoples relating to customary rights to land, many of which are unresolved. These complaints were related to allegations of encroachment or dispossession of land; land included in forest or park reserves; and overlapping claims and slow processing of requests for the issuance of native titles or for community reserves.

18. In 2010, the Commission conducted its first national inquiry into land rights issues faced by indigenous peoples in Malaysia. The scope of the inquiry focused on the indigenous peoples of peninsular Malaysia and the natives in the States of Sabah and Sarawak. The process was completed in 2012 and the report on its findings was published in 2013. The inquiry recognized indigenous peoples' rights to lands, territories and resources, and this recognition is reflected in its recommendations to the Government. Also in 2013, the Malaysian Government established a national task force to study the report issued subsequent to the national inquiry. The task force completed its study in 2014 and developed its own report, in which it endorsed most of the recommendations contained in national inquiry report.

19. In 2015, the report of the task force was submitted to the Government of Malaysia for its consideration. As an outcome, the Cabinet approved the formation of a Cabinet-level committee for the land rights of indigenous peoples, headed by the Deputy Prime Minister of Malaysia. In 2017, the Human Rights Commission continued to follow up with the Malaysian Government on the implementation of the recommendations contained in the report of the task force. Despite clear evidence that the situation of the indigenous peoples constitutes a serious derogation of Malaysia's obligations to respect, protect and fulfil their rights, the Malaysian Government has done little to meaningfully address their situation, and the indigenous peoples continue to lose more land, and with it the enjoyment of related rights. In this regard, it should also be stressed that not all States in Malaysia recognize the right of indigenous peoples to native customary lands. As of November 2017, the Commission had received 34 complaints relating to rights to native customary land. In view of this, the Commission called upon the Government to issue a moratorium or temporary prohibition order on all development that involves indigenous peoples' lands, pending the implementation of the recommendations in the report of the task force.

20. The New Zealand Human Rights Commission has engaged with parties in issues involving: the Waitangi Tribunal; treaty settlements; the Save Our Unique Landscape campaign, led by indigenous peoples, against the land development; and Iwi organizations involved in mining activities and Maori water rights. The Commission raises these issues in its advocacy work, including in its reporting to United Nations committees. The Commission also addresses land and resource issues in its activities related to the United Nations Declaration on the Rights of Indigenous Peoples. In 2017 the Commission held a public forum on indigenous rights and the environment, canvassing opinions on issues such as resource management processes, climate change, health impacts, advocacy for indigenous rights and discussion of land as a source of *rangatiratanga* (self-determination).

21. Indigenous peoples in the Philippines have an intimate connection with their ancestral domains, which are regarded as the sacred source of their lives. Only indigenous peoples are legally entitled to own ancestral domains, which are areas under their private communal ownership and have never been part of public lands and are therefore exempt from the coverage of the regalian doctrine, under which all lands of the public domain belong to the State. As of March 2016, the National Commission

on Indigenous Peoples had issued 206 certificates of ancestral domain titles, which represent 5,110,393.22 hectares and 1,108,223 indigenous peoples (about 7.92 per cent of the total estimated population). Complaints about encroachment arise when non-indigenous peoples pursue tenurial claims over lands that are also deemed covered within ancestral domains. Overlapping tenurial claims are brought about by several laws on modes of acquiring ownership, use of natural resources, mineral extraction, land classifications and concessions that are separately implemented by different State agencies.

22. While the law recognizes indigenous peoples' rights of ownership over ancestral domains and all resources found therein, such rights are limited by, or otherwise subjected to, conditions provided in other national laws and regulations on the environment. For example, indigenous peoples cannot cut trees without first obtaining a permit, nor can they engage in small-scale mining in ancestral lands that are not declared by the State as "people's small-scale mining areas". The Wildlife Resources Conservation and Protection Act allows indigenous peoples to collect wildlife for traditional use but not primarily for trade. While killing and destroying wildlife is prohibited in general, it may be allowed when done as part of religious rituals. The Indigenous Peoples Rights Act of 1997 and environmental laws are consistent in using the term "priority rights" to describe the nature of rights that indigenous peoples have over their right to use natural resources in their ancestral domains. The law does not treat such rights as exclusive for indigenous peoples.

C. Promoting and protecting indigenous peoples' rights

23. The Danish Institute of Human Rights monitors proposed Greenlandic legislation and its compliance with human rights and therefore indigenous rights. The Indigenous Navigator monitoring tools include all essential aspects of the United Nations Declaration. In 2017, the Institute transmitted the monitoring tools to the national human rights institutions of the following countries: Chile, Colombia, Ecuador, Peru and Venezuela (Bolivarian Republic of) in Latin America and the Caribbean; Kenya, Namibia, South Africa, Uganda and the United Republic of Tanzania in Africa; and Bangladesh, Indonesia, Malaysia, Nepal, the Philippines and Thailand in Asia and the Pacific. In workshops the Institute has focused on both the application of the tools and generation of data on the implementation of the United Nations Declaration and the need to feed such data into national policy and programming discussions.

24. The Greenlandic Government has recently proposed changes to the legal foundation of the Human Rights Council of Greenland. The Council, which was established in 2013, is composed of representatives from several civil society organizations and independent institutions in Greenland, including representatives from academia, the local association of attorneys-at-law and three representatives from the Government, municipalities and the parliamentary ombudsman. The Danish Institute of Human Rights will follow the proposed changes to the Human Rights Council closely and will continue to work with the Council.

25. The Finnish Human Rights Centre has been actively involved in the promotion of rights of the Sami peoples both nationally and internationally. The rights of the Sami are included in the report and recommendations prepared by the Centre for the universal periodic review process of the Human Rights Council, and their rights are also included in the report and recommendations prepared by the Centre for submission to the Committee on the Elimination of Racial Discrimination. The Centre

has also addressed the linguistic rights of the Sami people in the context of its report regarding the Council of Europe Charter for Regional and Minority Languages, as well as in a statement to the Ministry of Justice on the Nordic Sami Convention, its importance and its problem areas, including insufficient use of free prior and informed consent in the negotiation process. The Centre continues to make submissions on Sami-related issues, when relevant, and includes the rights of the Sami peoples in its national and international monitoring and reporting. In 2018, as part of its general human rights education series, the Centre plans a specific theme lecture and corresponding videos on the rights of the Sami.

26. The Human Rights Commission of Malaysia conducts regular workshops and talks for indigenous communities to raise their awareness of human rights, including visits to schools for indigenous children to monitor the quality of education and of school facilities. In the ongoing development over the administration of issues related to indigenous peoples, the Department of Orang Asli Development, the main government agency responsible for indigenous peoples' affairs, has identified the following seven strategic areas in its 2016–2020 strategic plan:

(a) To improve on the administration of indigenous peoples' land;

(b) To provide infrastructure facilities in indigenous peoples' settlements;

(c) To develop human capital and increase the capacity of indigenous youth;

(d) To increase indigenous peoples' income through sustainable economic activities;

(e) To preserve and promote the arts, culture and heritage of indigenous peoples;

(f) To strengthen the social safety net in order to assist the indigenous peoples in the bottom 40 per cent of the household income group;

(g) To enhance service delivery system through organizational development.

27. In 2017, the Ombudsman of Namibia held community meetings with indigenous people in 10 San villages to raise awareness of their rights and the role and functions of the office of the Ombudsman. Public hearings were held on racism and racial discrimination in regions where indigenous people are living in order to provide individuals with the opportunity to raise their concerns. One of the concerns pursued by the Ombudsman with the Ministry of Home Affairs and Immigration was the difficulty indigenous peoples have in obtaining birth certificates and identity documents. In this regard, the office of the Ombudsman developed, printed and disseminated the "Guide to Indigenous Peoples' Rights in Namibia".

28. In New Zealand, in line with its mandate, under the national Human Rights Act of 1993, to "promote, through research, education and discussion, the human rights dimensions of the Treaty of Waitangi", the Human Rights Commission has a work programme entitled "*Te Mana i Waitangi*" (Human Rights and the Treaty of Waitangi). The current focus of the programme is the development of online education material on the Waitangi Treaty and human rights. In 2017, the Commission released the first of its online human rights education modules, which included an introduction to the Treaty.

29. The Commission's 2017 submission to the Committee on Elimination of Racial Discrimination highlighted the urgent need for the Government to progress constitutional discussions with Maori communities regarding constitutional change based on Maori law, the Treaty and indigenous rights. The issue was reflected in the

concluding observations of the Committee, in which it recommended that the Government issue, "without delay, a timetable for debating, in partnership with Māori, the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty of Waitangi within its constitutional arrangements, along with the proposals of the report of Matike Mai Aotearoa and all stakeholders". The Iwi Chairs Forum, through its Independent Monitoring Mechanism for the United Nations Declaration on the Rights of Indigenous Peoples, continues to call for continued constitutional conversations, and has identified constitutional transformation as the key mechanism necessary for achieving greater realization of indigenous rights in New Zealand, which is known as Aoteraroa in the Maori language.

30. The Commission's work programme for 2017–2018 includes work to promote the human rights dimensions of the Treaty of Waitangi through online education modules as well as to promote and monitor the implementation of the United Nations Declaration on the Rights of Indigenous Peoples through research, engagement and reporting. The Commission also advocates for indigenous rights and for engagement with Maori communities during United Nations human rights reporting activities.

31. In 2017, the Commission on Human Rights of the Philippines launched the national inquiry into the human rights situation of indigenous peoples in the Philippines as part of its contribution to the celebration of twentieth anniversary of the passage into law of the Indigenous Peoples Rights Act of 1997 and the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Commission is also active in carrying out liaison as part of the international treaty monitoring initiatives under the United Nations Declaration. In this regard, in 2016, the rights of indigenous peoples in the Philippines were reported to, and raised in the dialogue with, the Committee on Economic, Social and Cultural Rights, and recommendations about the promotion and protection of indigenous peoples' rights were subsequently included in the Committee's concluding observations. The Commission is following up on the recommendations and on their implementation by the Government through an economic, social and cultural rights advisory, which is to be released in the first quarter of 2018.

32. The Commission on Human Rights of the Philippines submitted several contributions in response to call for contributions to reports of the Human Rights Council and the special rapporteurs of the Council in 2017. The inputs of the Commission to the reports provide updated information to the Council on the situation of rights promotion and protection of indigenous peoples and minority populations in the country. The Commission has developed its own tools to monitor the rights to housing, health, education, food and water of indigenous peoples, consistent with the Indigenous Navigator monitoring tools. The Commission has also used certain indicators and questions from the Indigenous Navigator during the public hearings during the national inquiry. In 2018, the Commission will conduct community immersion activities in selected ancestral domains as part of a preliminary study to elaborate on the normative contents of cultural rights, pursuant to the United Nations Declaration on the Rights of Indigenous Peoples, within the context of the Philippines.

33. In October 2017, the Commission participated in the conceptualization process of the National Commission on Indigenous Peoples flagship programme to address the following 14 thematic concerns of indigenous peoples in the Philippines:

1. Formal recognition of ancestral domains.
2. Control and management of ancestral domains.
3. Capacity of the National Commission on Indigenous Peoples to deliver on its mandate.
4. Destruction of the ecosystems within the ancestral domains.
5. Non-compliance and violation of free, prior and informed consent.
6. Erosion of the culture of the indigenous peoples.
7. Weak indigenous peoples' governance system.
8. Lack of impact of government services.
9. Overlapping claims over ancestral domains.
10. Non-recognition of agencies of elders and leaders of indigenous peoples' communities.
11. Displacement of indigenous peoples from their ancestral domains.
12. Insufficient knowledge of the rights of indigenous peoples.
13. Discrimination against indigenous peoples.
14. Peace and security.

D. Follow-up to the World Conference on Indigenous Peoples

34. In September 2014, at the first World Conference on Indigenous Peoples, organized by the United Nations, Member States made several commitments relevant to human rights institutions. Two main areas of relevance are considered in this section: (a) national action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions; and (b) the prevention and elimination of all forms of violence and discrimination against indigenous peoples.

1. National action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions

35. In the context of its cooperation with local partners, the Danish Institute of Human Rights delivers statements and counselling on draft legislation relevant to the protection of human rights, including reporting on the situation of human rights in Greenland to international bodies, for example the United Nations treaty bodies and the Council of Europe. Additionally, the Institute maintains ongoing cooperation with the Human Rights Council of Greenland to promote and protect human rights in Greenland. The Council shares knowledge of the conditions in Greenland with the Danish Institute, and the Institute assists the Council through the provision of information and training on various human rights issues. One of the central initiatives in the collaboration between the Institute and the Council is the issuance of a biennial report on the situation of human rights in Greenland. The report focuses on topics such as: the implementation of human rights (generally); children and youth; disability; equal treatment; natural resources; fair trial and deprivation of liberty; rule

of law in the self-rule administration and municipalities; dissemination of human rights; and education.

36. Finland does not have a specific national strategy or action plan on the Sami peoples, although it has a National Action Plan on Fundamental and Human Rights 2017–2019, which includes plans to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

37. The Human Rights Commission of Malaysia has been advocating for the development of a national human rights action plan since 2002. In 2010, the Government of Malaysia decided to develop the country's first action plan and appointed the Legal Affairs Division of the Prime Minister's Department as the focal agency for its formulation. In 2013, the Human Rights Commission was invited to be a member of the steering committee for the action plan. Between January and March 2017, the Legal Affairs Division organized consultations with relevant government agencies and civil society organizations to obtain their views on the draft action plan. The Commission submitted its feedback on the final draft to the Legal Affairs Division in September 2017. According to the draft, the Government will focus on indigenous peoples' rights, including their rights to self-determination, access to health services and access to education, as well as on poverty eradication programmes and issues related to land administration.

38. In 2015, the New Zealand Human Rights Commission developed a National Plan of Action[5] based on actions identified by the Government in response to the recommendations contained in the report of the Working Group on the Universal Periodic Review (A/HRC/26/3). The plan of action includes actions relating to Maori and indigenous rights. Research and consultation will be undertaken in 2018 to identify key indigenous rights issues to inform the plan and the Commission's ongoing work, including their engagement with United Nations treaty bodies, the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples.

39. While the Philippines does not have a national action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples, all Government agencies, other than the National Commission on Indigenous Peoples, are able to provide programmes, activities and projects to specifically address the needs and concerns of indigenous peoples. The Philippine Development Plan 2017–2022[6] addresses issues related to indigenous peoples in a number of chapters, including: a plan to intensify efforts to raise cultural awareness; consideration of indigenous peoples' claims on ancestral domains; and their concerns over on the management of natural resources and land administration. The State has also proposed the development of a national human rights action plan and a national action plan on business and human rights, which are expected to include programmes and policies that respond to the rights of indigenous peoples.

2. Prevention and elimination of all forms of violence and discrimination against indigenous peoples

40. In cooperation with Greenland's national advocacy group for children, the Danish Institute of Human Rights has compiled a manual addressing children's rights aimed at primary school teachers, who are responsible for the youngest children. The Institute has also participated in the training of student teachers and their lecturers at Greenland's teacher training institution, a department of the University of Greenland,

[5] See http://npa.hrc.co.nz/#/.

[6] See http://pdp.neda.gov.ph/.

to promote improved knowledge about children's rights. In addition, two films about children's rights developed by the Institute directly target children, youth and child professionals in Greenland. The Institute has recommended a reform and upgrade of municipal competences and accountability to the Greenlandic Government, including the introduction of constructive measures, inter alia, to promote the protection of the child against violence and to assist families affected by substance abuse and addiction in rehabilitation efforts.

41. The Finnish Human Rights Centre has not yet specifically addressed violence-related issues in its work. In 2018, greater focus will be given to domestic violence in general and violence against women in particular in light of reporting obligations on national implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) as well as the Convention on the Elimination of All Forms of Discrimination against Women. The monitoring of the Convention on the Rights of Persons with Disabilities will begin in 2018 when the Government reports to the Committee on the Rights of Persons with Disabilities for the first time. With regard discrimination, the Centre strongly advocates the rights of the Sami in all its work, through which it aims to remove stereotypes and improve knowledge about the Sami peoples and specific issues related to the implementation of their rights. There is good cooperation between the Centre and the Sami Parliament, and, in 2017, a special focus was placed on issues related to the Sami during the reporting process to the Committee on the Elimination of Racial Discrimination, resulting in several recommendations by the Committee on the rights of indigenous peoples. The third round of the universal periodic review process also resulted in several recommendations addressing issues pertaining to the Sami, partly due to the lobbying work carried out by the Centre itself.

42. The Human Rights Commission of Malaysia has implemented a number of programmes aimed at preventing violence and discrimination between individuals, including a human rights-related best practices in school pilot project, launched in 2009, with 222 schools, 36 of them indigenous schools, participating as of March 2017. The Commission also launched an anti-bullying campaign in 2016 to increase students' awareness of the issue.

43. The Ombudsman of Namibia investigates individual complaints regarding violence and discrimination against indigenous peoples. Individuals are assisted in the filing of criminal charges against offenders with the police. The Ombudsman closely monitors the implementation of the recommendations outlined in the 2017 report stemming from the national inquiry into racism, racial discrimination, discrimination in general and tribalism.

44. A key focus of the New Zealand Human Rights Commission's work in this area has been its campaign, "Never Again/*E Kore Anō*",[7] which calls for an independent inquiry into the historic abuse of children in State care. The Commission will continue to work with the Government, survivors and other stakeholders to advocate for a robust inquiry, and to support the efforts of survivors to tell their stories. The Commission is also working with other parties to ensure that the impact on Maori children is addressed, and that Maori voices and needs are reflected in the inquiry.

45. The Commission on Human Rights of the Philippines provides protection, promotion and policy advocacy services for indigenous peoples who are victims of violence and discrimination through its protection services. Once reports of alleged

[7] See http://www.neveragain.co.nz/.

human rights violations are lodged, the Commission's investigators in regional offices conduct site visits, when possible, or inquire with relevant Government agencies regarding available documentation in order to investigate and resolve such cases. National inquiries carried out by the Commission are also crucial in gathering information about violations of indigenous rights. The documentation of cases, regional situation reports and reports from civil society and indigenous peoples' organizations serve as primary and secondary sources for the development of advisories, alerts and recommendations by the Commission for relevant Government institutions.

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Permanent Forum on Indigenous Issues
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Item 8 of the provisional agenda*
Discussion on the theme "Collective Rights of Indigenous Peoples to Lands, Territories and Resources "

International expert group meeting on the theme "Sustainable Development in the Territories of Indigenous Peoples"

Note by the Secretariat

Summary

The international expert group meeting on the theme "Sustainable Development in the Territories of Indigenous Peoples" was held in New York from 23 to 25 January 2018. The present note contains the report of the meeting.

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Report of the international expert group meeting on the theme "Sustainable Development in the Territories of Indigenous Peoples"

I. Introduction

1. Since the establishment of the Permanent Forum on Indigenous Issues, indigenous peoples have emphasized the central importance of promoting and protecting their rights to their ancestral lands and territories. Indigenous peoples have a profound spiritual, cultural, social, economic and political relationship with their territories. This is a relationship that defines who they are as peoples. Lands and territories are crucial not only to the well-being of indigenous peoples but to their very existence as distinct peoples.

2. The issues of lands, territories and resources are inextricably linked to sustainable development and self-determination. The rights of indigenous peoples to self-determination, development and their lands, territories and resources are enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. These rights are also recognized by many States at the national level as well as by local governments. Despite these advances, indigenous peoples continue to suffer from land loss and are particularly vulnerable to displacement and land grabbing.

3. At its annual session in April 2017, in recognition of the importance of self-determined sustainable development of indigenous peoples in their territories, the Permanent Forum on Indigenous Issues recommended that the Economic and Social Council authorize the organization of a three-day international expert group meeting on the theme: "Sustainable Development in the Territories of Indigenous Peoples". In July 2017, the Council authorized the expert group meeting (see Economic and Social Council decision 2017/247). In accordance with the decision of the Council, the meeting was organized from 23 to 25 January 2018 by the secretariat of the Permanent Forum. The programme of work for the meeting is contained in annex I to the present report.

4. The international expert group meeting was attended by members and representatives of the three United Nations indigenous specific mechanisms: the Permanent Forum on Indigenous Issues (Mariam Wallet Aboubakrine, Chair; Aisa Mukabenova, Jens Dahl, Elifuraha Laltaika and Terri Henry); the Special Rapporteur on the rights of indigenous peoples (Victoria Tauli Corpuz); and the Expert Mechanism on the Rights of Indigenous Peoples (Albert K. Barume, Chair). The following experts also participated in the meeting: Joan Carling, Eirik Larsen, Carla Fredricks, Shapiom Noningo Sesén, Mai Thin Yu Mon, Carolina Gil Sánchez, Jérémie Gilbert, Betty Lyons, Kelly Askew, Alejandro Parellada, Ricardo Niño Izquierdo, Janie Simms Hipp, Paul Joffe, Diego Tituaña, Kenneth Deer and Mariaelena Huambachano.

5. *The international expert group meeting* was also attended by observers from Member States and the specialized agencies, funds and programmes of the United Nations system, other intergovernmental organizations, indigenous peoples' organizations and non-governmental organizations.

6. The participants had before them a programme of work and documents prepared by experts. The documents for the expert group meeting are available at www.un.org/development/desa/indigenouspeoples/.

7. Opening the meeting, Kenneth Deer, Mohawk, of the Haudenosaunee offered words of thanksgiving, as is customary at United Nations meetings on indigenous issues. The Director of the Division for Social Policy and Development, Department

of Economic and Social Affairs, Daniela Bas, welcomed all participants to the meeting and highlighted the need for a comprehensive approach to address the rights of indigenous peoples, as well as the cross-cutting dimensions of economic, social and environmental development. Ms. Bas encouraged the meeting to consider how the Permanent Forum on Indigenous issues can strengthen its partnership with other United Nations bodies to provide analysis and policy advice for the implementation of the 2030 Agenda for Sustainable Development and the United Nations Declaration on the Rights of Indigenous Peoples. The Chair of the Permanent Forum, Mariam Wallet Aboubakrine, emphasized the importance of their lands to indigenous peoples, not just as a source of income but as the source of life. Ms. Aboubakrine reiterated that indigenous peoples' understanding and vision of land is that it is a gift, not a possession, and forms part of indigenous peoples' identities. Recalling that the Permanent Forum had identified lands, territories and resources as an annual theme of its sessions in 2007, she highlighted the importance of land rights as central to indigenous peoples and their vision for sustainable development.

II. Overview of the discussions

A. Indigenous peoples' visions for sustainable development

8. The meeting benefited from a wealth of examples of the situation pertaining to the rights of indigenous peoples around the world, beginning with introductory presentations from Eirik Larsen and Joan Carling.

9. Participants at the meeting noted that history is replete with one-size-fits-all approaches to sustainable development that are based on a Western (often neoliberal) notion of development that prioritizes economic growth over all other considerations, such as the environment or well-being. Indigenous peoples all over the world view well-being and development as indivisible and believe that there is a spiritual element to development and their relationship with their environment.

10. Ms. Carling emphasized that it is important to acknowledge conflicting views of development. Indigenous peoples have a more holistic view as a collective over the dominant individual-centred development, which promotes competition and accumulation. Indigenous communities value interdependence and the sharing of resources and conserving this for the needs of future generations. The difference can be illustrated by looking at trees, which are valued as merely a commercial timber product to be exploited, while indigenous peoples regard trees and forests as more than just sources of timber, but as interlinked to their distinct identities, spirituality and ways of life, which are beyond economic terms. Ms. Carling stressed the need to recognize, respect and protect the rights of indigenous peoples over their lands, territories and resources in order to achieve sustainable development for all.

11. Traditional livelihoods of indigenous peoples are under threat across the world. For example, as noted by Mr. Larsen, reindeer husbandry, fishing and land use is threatened by climate change in the Arctic, where climate change is faster and more severe than in other regions of the world. In addition to climate change, indigenous peoples' territories face intense pressure from natural resource extraction, large-scale agriculture, infrastructure projects, the designation of conservation areas and tourism.

12. In the presentations and discussions, participants highlighted a number of false narratives that have come to dominate the debate on the rights of indigenous peoples. These narratives portray indigenous peoples and their visions for development as obstacles to development in general and, specifically, as obstacles to national development that is in the interests of the general population. These narratives also describe indigenous peoples as resistant to progress and unable or unwilling to

contribute to development. Often, these false dichotomies are related to racist depictions of indigenous peoples as "savages" or "backward peoples" who have little understanding of the value of lands, territories and resources, with no legitimate claims to these lands. These misconceptions have provided ideological justification for defining these territories as terra nullius, or no man's land, and therefore subject to confiscation and occupation by the State or other entities.

13. Modern articulations of such theories may have advanced but the results for indigenous peoples continue to result in land dispossessions, as in the past. Such false narratives include claims that nomads and pastoralists do not contribute to the national economy or that traditional livelihoods of indigenous peoples are environmentally destructive or at odds with conservation efforts. These false narratives are facilitated by the fact that many indigenous peoples are mobile and have few physical structures to demonstrate their land ownership, such as buildings, walls, fences or land titles. This fact can also place an additional legal burden on indigenous peoples that are required to prove prior land occupancy.

14. Another narrative portrays pastoralists as invaders or as actors in conflict that are disruptive of national harmony and peace. Although some pastoralists have indeed been involved in conflict, it is important to acknowledge that they have rights to their traditional territories and that they are not invaders. Owing to outside circumstances (such as large-scale agriculture or infrastructure projects) there is increasing demand for these lands.

15. Participants at the meeting emphasized the urgent need to counter such narratives with fact-based evidence about the contributions of indigenous peoples to their national societies, not only as custodians of biological and cultural diversity but also as direct contributors to the gross domestic product (GDP) of their countries. It was noted, for example that pastoralists are estimated to contribute between 10 and 44 per cent of the GDP of African countries and that 90 per cent of the meat consumed in East Africa comes from pastoralism. Yet this is invisible to Governments, since current methods for measuring GDP fail to measure the economic activities of pastoralists or many other traditional livelihoods of indigenous peoples.

16. Ms. Simms Hipp noted that some of the economic activities of indigenous peoples in the United States have been measured and that an estimated $3 billion of agricultural commodities come from Indian and Alaska Native producers. Most of this food leaves tribal lands to benefit the wider United States population. Meanwhile indigenous peoples are disproportionately likely to live in food deserts, which are areas of low food access, on the basis of the distance to the nearest supermarket.

17. The relationship between food sovereignty, self-determination, sustainable development and holistic health was analysed by Ms. Huambachano, who noted that the changing dietary habits of indigenous peoples have led to high levels of food insecurity as well as obesity. There is a growing indigenous food sovereignty movement that recognizes these challenges and is making efforts to revert to traditional sustainable agricultural practices. These efforts require land, and land tenure concerns continue to negatively impact the ability of indigenous peoples to achieve lasting food security. Food sovereignty is inextricably linked to land tenure security and the rights of indigenous peoples to exercise self-governance and autonomy.

18. Participants noted that land tenure concerns continue to negatively impact the ability of indigenous communities to build lasting food security and sustainable development activities. Continuing dialogue and alliance development is critical in this period of rapid change and heightened pressures throughout the world on issues related to food sovereignty and land.

B. Indigenous peoples' self-determined sustainable development and forms of autonomy

19. Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples states that "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." The meeting considered indigenous peoples' forms of autonomy with examples from the Sami in Norway, the Wampis in Peru, the Chin in Myanmar and the Onondaga in North America.

20. In 2015, the Wampis people established an autonomous indigenous government within Peru, identifying their lands and territories in the Peruvian Amazon, proclaiming Wampis and Spanish as official languages and declaring that they will administer their own internal affairs while also respecting the territorial borders of the State of Peru. The Statute of the Autonomous Territorial Government of the Wampis Nation acknowledges that the men and women of the Wampis Nation are also Peruvian citizens.

21. In his presentation, Mr. Noningo Sesén stated that the Wampis people made the decision to establish an autonomous government to protect and promote their cultural traditions, as well as to protect their environment from a development model that had been imposed on them, with devastating consequences for their forests and biodiversity. Their priority is the protection of their ancestral territories, holistic well-being, food security and harmonious relations both with nature and with other Peruvians and the Peruvian State. The establishment of the Wampis autonomous region was enacted unilaterally by the Wampis people in the exercise of their right to self-determination as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. The Government of Peru was duly informed about the process. The Wampis people plan involve State administration authorities at different levels as part of a positive model of collaboration.

22. In Norway, the Sami people are represented by the Sami Parliament of Norway, which is elected by the Sami people. Mr. Larsen explained that the Sami Parliament was established by the Sami Act, adopted by the Norwegian Parliament in 1987. The Sami Act states that the Norwegian authorities shall create conditions enabling the Sami people to preserve their language, culture and way of life. The Sami Parliament deals with all matters relevant to the Sami people.

23. The Sami Parliament places emphasis on traditional knowledge in the use and protection of biodiversity. Solutions which pave the way for active local involvement in decision-making processes should become more common. Policymaking needs to be driven by both scientific findings and accumulated traditional knowledge and wisdom. It is an ongoing challenge to achieve inclusion of contrasting knowledge visions in the field of biodiversity and ecosystem services and to ensure the participation of indigenous peoples' traditional knowledge holders in both national and international processes.

24. In his presentation, Mr. Niño Izquierdo described the situation in Colombia, where the State has recognized 28 per cent of its territory as indigenous, of which over 600,000 hectares have been legally titled to indigenous communities. This demonstrates that indigenous land management of biologically diverse areas, together with recognition of the rights of indigenous peoples is an effective conservation strategy. However, more needs to be done to protect indigenous territories, which, in Colombia are mainly rainforest, with complex ecosystems. It is particularly important to address the situation of indigenous peoples who were displaced during the conflict, which accelerated land loss for many communities.

25. In her intervention, Ms. Lyons emphasized indigenous peoples' right to self-determination and that indigenous peoples should refer to themselves as nations, rather than tribes. The Onondaga nation are a member of the Haudenosaunee Confederacy, which has signed treaties with both Canada and the United States. As an expression of self-determination, the Onondaga nation, based within New York State, does not accept funding from the United States Federal Government. It also does not participate in United States elections, as it has its own government system. Ceremonies, culture and language have been paramount in upholding Onondaga autonomy.

26. In her presentation on the situation of the Chin people in Myanmar, Ms. Yu Mon noted that there is no formal recognition of indigenous peoples, and the term ethnic nationalities is used. She described the centralized concentration of power within the federal government concerning lands and natural resources. Indigenous peoples that practise shifting cultivation are particularly vulnerable, since their land use is based on indigenous systems whereby land is cultivated for a few years and then left fallow for from three to seven years or even more, to allow it to regenerate. The indigenous peoples often do not have formal documents of title to their lands, and their land is often considered by the State to be unoccupied. Indigenous peoples in Myanmar are hopeful that the ongoing peace process will lead to constitutional amendments that will bring increased autonomy and a decentralization of power.

27. Participants noted the diversity of different forms of autonomy among indigenous peoples, citing examples from Bolivia, Colombia, Ecuador, Greenland, Indonesia, Mali, Panama and the Philippines, among others. Participants highlighted the need to compile information about indigenous peoples' autonomy and governance systems that could provide valuable information as good practices. This could also serve to address false narratives and misconceptions about indigenous peoples and their contributions to sustainable development.

28. It is also worth noting that matters of autonomy, land rights and self-determination are not only legal concepts, but also crucial to the survival of indigenous peoples' languages, cultures, health and food sovereignty.

C. Land grabbing and displacement of indigenous peoples from their territories

29. Land grabbing is a term that is increasingly used to describe large-scale acquisition by private and public investors of land previously occupied and managed by indigenous peoples. In his presentation, Mr. Gilbert stated that land grabbing is driven by the increased marketization of land and its potential production. This is the result of many related phenomena, including the globalization of agricultural production, the quest for food security by countries lacking arable lands, the struggle for investment in energy and biofuel security ventures and other climate change mitigation strategies, ad recent demands for resources from newer hubs of global capital. In this global quest for land, indigenous peoples are particularly negatively affected, as this rush for land investment has very often brought about loss of access to their own lands and territories.

30. For most indigenous peoples it is not a new phenomenon but part of a historical pattern of land dispossession for larger economic and market-based interests. An increase in large-scale investments in the exploitation of land and natural resources over the past two decades and especially since the 2008/2009 economic and food crisis, has led to massive investments by private funds and banks in lands that often belong to indigenous peoples.

31. The past two decades, however, have also seen a documented increase in violence, illegal evictions, and human rights violations against indigenous peoples, occurring in tandem with increased appropriation of their traditional lands, water and other natural resources. In their presentation, Ms. Askew and Mr. Laltaika identified five primary causes for the land-grabbing phenomenon in the global South:

(i) Agribusiness interests;

(ii) Conservation initiatives;

(iii) Extractive industries;

(iv) Infrastructure projects;

(v) Increased competition with cultivators over ever-shrinking land resources.

32. They also identified a sixth mode of dispossession, stemming from increasing numbers of internally displaced persons. This affects indigenous communities in two ways: first, when their territories suffer an influx of internally displaced persons fleeing conflict, and secondly, when, following evictions, indigenous peoples meet with rejection, violence and abuse in their search for new places to call home.

33. Over recent decades, the greatest threat to indigenous peoples' territories has been large-scale agricultural developments and extractive industries. Agribusiness and natural resource extraction are driven by significant foreign investments, but also by national priorities that often relate to food security, as well as traditional governance concerns such as economic growth, direct foreign investment and job creation. These priorities align themselves well with the false narratives that portray indigenous peoples as unproductive barriers to development.

34. While agribusiness and resource extraction have received attention in reports on land grabbing, conservation has been relatively unrecognized as a major source of land alienation in the territories of indigenous peoples. Indigenous peoples are known for their careful stewardship of land, water and other natural resources, such as forests. Thus, when the global North seeks more forest cover for climate change mitigation and to offset carbon emissions, or pristine landscapes for tourism, or because all land is already serving residential, commercial or other purposes, undue pressure is placed on the South to compensate with their land resources.

35. Responding to international agreements, such as the Convention on Biological Diversity, which proposes a target of 10 per cent of every biome to be protected,[1] States have increasingly identified greater areas for protection, often in the territories of indigenous peoples. These are often particularly appealing for conservation precisely because indigenous peoples have managed these territories in a sustainable manner for millennia. Ironically, indigenous peoples are thus penalized for their sustainable livelihoods in the name of conservation and protection of the environment. The expansion of protected areas is taking place not just at the behest of Governments, but also as a result of international conservation organizations applying great pressure on Governments to conserve more areas. Indigenous peoples must be aware of "green grabbing" when sustainable development initiatives are being used against the rights of indigenous peoples.

36. Participants noted that most of these land grabs are taking place under investment treaties signed between States and private investors. These changes in the legal framework are in favour of the investors and to the detriment of indigenous peoples, who are not informed of or protected in such treaties.

[1] In accordance with Target 11 of the Aichi Biodiversity Targets. See www.cbd.int/sp/targets/rationale/target-11/.

37. Furthermore, such investment treaties do not integrate and respect the fundamental rights of indigenous peoples. Investment treaties typically recognize that States have the right to expropriate land in order to allow investments, often establishing legal standards of protection for investors that undermine internationally recognized indigenous peoples' rights.

38. In the context of the acquisition of large areas of land for investments in agribusiness and green investments, lending institutions play an important role in supporting such massive investments. These lending institutions, such as pension funds, may be unaware of their support for these practices.

39. The implication of these different actors also means that multiple layers of different legal frameworks will apply, as laws regarding investment laws, contractual obligations, bilateral investments treaties and environmental agreements all play a role. With an example of the violation of indigenous peoples' rights in Eritrea that has been taken to court in Canada, the participants discussed the need to ensure that multinationals are responsible for their acts in their home countries also.

40. During the discussions, participants noted the importance of the principle of free, prior and informed consent. However, it is frequently used as a tool to create a false impression that genuine consultations have taken place — often to tick off a box on a checklist. Another concern is the proliferation of guidelines, handbooks and manuals on free, prior and informed consent and a lack of clear authoritative standards on how to implement this right. In this regard, participants welcomed the information that the Expert Mechanism on the Rights of Indigenous Peoples will prepare a study on free, prior and informed consent that can serve as a valuable resource.

41. Participants also identified an urgent need to address the false narrative of indigenous peoples as obstacles to development by compiling and disseminating information on indigenous peoples' rich contributions to their national societies, good practices on the protection of land rights and to share this information among indigenous peoples, as well as States and others.

D. Indigenous Peoples, the 2030 Agenda for Sustainable Development and the United Nations System: leaving no one behind

42. The Sustainable Development Goals and targets include six explicit references to indigenous peoples, including target 2.3, committing to double the agricultural output of indigenous small-scale farmers, and target 4.5 to ensure equal access to education for indigenous children. There is also a strong commitment in the 2030 Agenda to empower and engage indigenous peoples in implementing and reviewing progress in achieving the Goals, including at the national level. States are also encouraged to include the contributions of indigenous peoples in the national voluntary reviews of progress. However, participants regretted that there is no clear Sustainable Development Goal indicator for the recognition of indigenous peoples' land rights, a gap that affects poverty eradication, health, education and other important elements.

43. Among the Sustainable Development Goal targets most relevant to the United Nations Declaration on the Rights of Indigenous Peoples is target 1.4, concerning land rights. However, indigenous peoples are not distinctly mentioned in this target yet, despite the central importance of land rights for all indigenous peoples across the globe.

44. Participants expressed concern that there is an emerging trend to disassociate human rights from the sustainable development discourse in recent years. This strays from the three pillars of the work of the United Nations, which underscore that there

is no peace without development, there is no development without peace and there is no peace or development without human rights. All three are indivisible and mutually reinforcing.

45. The 2030 Agenda for Sustainable Development is unequivocally anchored in human rights. It is explicitly grounded in the Charter of the United Nations, the Universal Declaration of Human Rights, international human rights treaties and other instruments, including the Declaration on the Right to Development. It states that the Sustainable Development Goals aim to realize the human rights of all, and emphasizes the responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.

46. The Declaration on the Rights of Indigenous Peoples is the basic text that guides the work of the United Nations in relation to indigenous peoples, constituting the minimum standards for the survival, dignity and well-being of indigenous peoples of the world. The Declaration recognizes indigenous peoples' rights to self-determination and autonomy and makes a number of references to indigenous peoples' rights to their lands, territories and resources.

47. Speaking on the Declaration, the Special Rapporteur on the Rights of Indigenous Peoples, Ms. Tauli-Corpuz, noted that there is growing jurisprudence from national and regional courts, as well as from treaty bodies, that links the right to self-determination with land, resources and development, although effective enforcement of court decisions is frequently slow and ineffective.

48. Articles 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples direct the United Nations system, its organs and specialized agencies to contribute to the implementation of the Declaration and to promote respect for and full application of its provisions. The Declaration specifically refers to the role of the Permanent Forum on Indigenous Issues in this regard.

49. In February 2008, less than a year after the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Development Group issued the United Nations Development Group Guidelines on Indigenous Peoples' Issues to assist the United Nations system to mainstream and integrate indigenous peoples' issues in processes for operational activities and programmes at the country level. The Guidelines set out normative, policy and operational frameworks and provide lines of action for planning, implementation and evaluation of programmes involving indigenous peoples.

50. At the 2014 World Conference on Indigenous Peoples, the General Assembly unanimously reaffirmed its support for the Declaration and the commitments contained therein. The outcome document of the World Conference also contained commitments to make greater efforts to implement the Declaration at the national level, including through the development of national action plans and strategies, as well as legislative, policy and administrative measures. The outcome document also recognized the need to consider enhanced participation of indigenous peoples at the United Nations and requested the Secretary-General to develop a system-wide action plan on indigenous peoples.

51. In follow-up to this request, the system-wide action plan on the rights of indigenous peoples was finalized in 2015 and is currently being implemented by various United Nations entities, coordinated by the Inter-Agency Support Group on Indigenous Peoples' Issues. A representative of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) informed the meeting of action taken to implement the system-wide action plan. The action plan emphasizes

implementation at the national level, integration with the 2030 Agenda for Sustainable Development and capacity-building for indigenous peoples and Member State officials. Specific efforts have been made by the Inter-Agency Support Group to increase coherence between Headquarters work and the United Nations country teams, such as the annual Inter-Agency Support Group meeting, held in Quito in 2017, which contributed to an increased focus on the rights of indigenous peoples by the United Nations country team. Updates on the implementation of the action plan are presented to Member States and indigenous peoples at the annual sessions of the Permanent Forum on Indigenous Issues.

III. Recommendations

52. Participants recommended specific actions to be undertaken by States and United Nations entities, as well as indigenous peoples themselves, to support sustainable development in the territories of indigenous peoples:

53. Indigenous peoples, States and United Nations entities must do more to promote the implementation of the United Nations Declaration on the Rights of Indigenous Peoples at the country level and, in particular, address the lack of knowledge about the Declaration and its provisions among government officials, United Nations staff and indigenous peoples themselves.

54. States the world over need to be reminded that indigenous peoples — including, but not limited to, pastoralists and hunter-gatherers — have inherent human rights and fundamental freedoms equal to those of all other human beings, as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law. Pastoralist and hunter-gatherer communities, especially in Africa, continue to face discrimination and persecution, and forced removals and abrogation of their rights to their land, livestock, territories and natural resources are commonplace.

55. Knowledge should be enhanced and promoted with regard to the critical contributions that indigenous peoples make to national and international well-being, including substantial contributions to national economies in meat and dairy products, honey and traditional medicinal products. Furthermore, indigenous practices of sustainable land and natural resource management hold untold value for the global community. It is important to counter widespread ignorance of the contributions of indigenous peoples to local, national and international well-being, which is a contributing factor to their marginalization.

56. The Permanent Forum should take measures to challenge the widespread narratives in many countries (especially in Africa) that pastoralists are "invaders" of other peoples' lands and territories and lack legitimate and verifiable claims to territories of their own.

57. The Inter-Agency Support Group on Indigenous Peoples' Issues should, in its efforts to carry out the system-wide action plan on the rights of indigenous peoples, prioritize a capacity-building initiative to recognize, strengthen and support the self-determination of indigenous peoples. Efforts may include, but are not limited to, increased awareness, advocacy, education and research surrounding indigenous self-determination.

58. Strengthening indigenous peoples and their traditional systems of governance will ensure greater engagement with and implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the Sustainable Development Goals in indigenous territories and with indigenous peoples.

59. The United Nations should support the interconnectivity of indigenous peoples to strengthen their capacity and networking, with particular reference to the implementation of the 2030 Agenda for Sustainable Development at the local, national, regional and global levels.

60. The Permanent Forum on Indigenous Issues should give special consideration to indigenous peoples' experiences with autonomy and governance systems in their expression of self-determination, including through a compilation and dissemination of good practices.

61. Indigenous peoples are key actors for local, regional, national and international security. It is essential to effectively involve indigenous leaders, women and youth in national, regional and international security mechanisms in all their phases. In this regard, the Permanent Forum should consider an in-depth thematic analysis of indigenous peoples, peace and security and the positive contributions that indigenous peoples play in promoting peace and conflict resolution.

62. The Permanent Forum should explore opportunities to work with and support indigenous peoples' mechanisms that engage with international processes, such as the indigenous peoples' major group (2030 Agenda for Sustainable Development), the International Indigenous Peoples' Forum on Climate Change and the International Indigenous Peoples' Forum on Biodiversity. These indigenous mechanisms are engaged in important work that could be strengthened through enhanced engagement with the Permanent Forum on Indigenous Issues at its annual sessions and throughout the year.

63. Food sovereignty is a central issue that is relevant to several Sustainable Development Goals. The Permanent Forum should organize a periodic special discussion and/or briefing that would allow key experts and state representations and the United Nations system to continue building alliances and dialogues that will further the interchange of emerging developments among indigenous groups throughout the world on an ongoing and accelerated basis.

64. With regard to existing and future trade and investment agreements, it was recommended that such agreements include a distinct chapter relating to indigenous peoples. Such a chapter can potentially promote increased cooperation and harmonious relations and address a broad range of indigenous concerns. In particular, it was recommended that new and existing investor-State dispute resolution mechanisms include, or be amended to include, just and fair procedures for indigenous peoples' participation and effective remedies for all infringements of their individual and collective rights.

65. Member States should make greater efforts to facilitate the participation of indigenous peoples at the national and international level in activities to achieve the Sustainable Development Goals.

Annex I

Programme of work

Date/time	*Programme*
Tuesday, 23 January 2018	
10 a.m.–1 p.m.	**Opening remarks** Daniela Bas, Director, Division for Social Policy and Development, Department of Economic and Social Affairs Mariam Wallet Aboubakrine, Chair of the Permanent Forum on Indigenous Issues **Introduction: Sustainable Development in the territories of indigenous peoples** Moderator: Chandra Roy-Henriksen, Chief, Secretariat of the Permanent Forum on Indigenous Issues/Division for Social Policy and Development/Department of Economic and Social Affairs Presentations by: Joan Carling Eirik Larsen Discussants: Jens Dahl Carla Fredricks General discussion
3 p.m.–6 p.m.	**Regional cases of autonomy in the territories of indigenous peoples** Moderator: Victoria Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples Presentations by: Shapiom Noningo Sesén Mai Thin Yu Mon Discussants: Carolina Gil Sáachez Betty Lyons General discussion

Date time	*Programme*
Wednesday, 24 January 2018	
10 a.m.–1 p.m.	**Challenge from land grabbing and natural resource extraction and large-scale development projects** Moderator: Terri Henry, Vice-Chair Permanent Forum on Indigenous Issues Presentations by: Elifuraha Laltaika and Kelly Askew Jérémie Gilbert Discussants: Victoria Tauli-Corpuz Alejandro Parellada General discussion
3 p.m.–6 p.m.	**Indigenous visions for sustainable development** Moderator: Albert Barume, Chair Expert Mechanism on the Rights of Indigenous Peoples Presentations by: Ricardo Niño Izquierdo Janie Simms Hipp Mariaelena Huambachano Discussants: Paul Joffe Diego Tituaña General discussion
Thursday, 25 January 2018	
10 a.m.–1 p.m.	**United Nations System and Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples** Moderator: Kenneth Deer Presentation by: Victoria Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples Discussant: Diego Tituaña General discussion

Date time	*Programme*
3 p.m.–6 p.m.	**Analysis and policy recommendations** Moderator: Jens Dahl, Vice-Chair, Permanent Forum on Indigenous Issues General discussion Closing remarks: Mariam Wallet Aboubakrine, Chair Permanent Forum on Indigenous Issues

Annex II

List of participants

Members of the Permanent Forum on Indigenous Issues

Mariam Wallet Aboubakrine, Chair
Aisa Mukabenova
Jens Dahl
Elifuraha Laltaika
Terri Henry

Members of United Nations mechanisms relevant to the rights of indigenous peoples

Victoria Tauli Corpuz, Special Rapporteur on the rights of indigenous peoples
Albert Barume, Chair, Expert Mechanism on the Rights of Indigenous Peoples

Invited experts

Joan Carling
Eirik Larsen
Carla Fredricks
Jérémie Gilbert
Betty Lyons
Kelly Askew
Shapiom Noningo Sesén
Mai Thin Yu Mon
Carolina Gil Sáachez
Alejandro Parellada
Ricardo Niño Izquierdo
Janie Simms Hipp
Paul Joffe
Diego Tituaña
Kenneth Deer
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Permanent Forum on Indigenous Issues
Seventeenth session
New York, 16–27 April 2018
Item 3 of the provisional agenda*
Follow-up to the recommendations of the Permanent Forum

Action plan for organizing the 2019 International Year of Indigenous Languages

Note by the Secretariat

Summary

In its resolution 71/178, on the rights of indigenous peoples, the General Assembly proclaimed 2019 as the International Year of Indigenous Languages. This decision was based on a recommendation of the Permanent Forum on Indigenous Issues. The Assembly resolution requested the United Nations Educational, Scientific and Cultural Organization (UNESCO) to serve as the United Nations lead organization for the International Year.

The purpose of the present action plan is to lay the foundation for implementing resolution 71/178. It outlines actions and measures to be taken together by United Nations entities, Governments, indigenous peoples' organizations, broader civil society, academia, the private sector and other interested actors in order to achieve the major objectives of the International Year. The action plan is aimed at contributing to realizing indigenous peoples' rights worldwide, as stated in the United Nations Declaration on the Rights of Indigenous Peoples, including by engaging the United Nations system in support of Member States.

Pursuant to resolution 71/178, UNESCO has facilitated the development of the action plan through detailed and open consultations with representatives of interested Member States, indigenous peoples, United Nations entities, research specialists, civil society organizations and other public and private actors. The International Year is an important international cooperation mechanism dedicated to raising awareness of a particular topic or theme of international interest or concern and mobilizing different players for coordinated action around the world.

* E/C.19/2018/1.

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I. Introduction

A. Background

1. Languages, with their complex implications for identity, cultural diversity, spirituality, communication, social integration, education and development, are of crucial importance for people and the planet. People not only embed in languages their history, traditions, memory, traditional knowledge, unique modes of thinking, meaning and expression, but more importantly they also construct their future through them.

2. Language is a core component of human rights and fundamental freedoms and is essential to realizing sustainable development, good governance, peace and reconciliation. A person's freedom to use his or her chosen language is a prerequisite to freedom of thought, freedom of opinion and expression, access to education and information, employment and other values enshrined in the Universal Declaration of Human Rights.

3. Linguistic diversity contributes to the promotion of cultural identity and diversity, and to intercultural dialogue. It is equally important in achieving quality education for all, building inclusive knowledge societies and preserving cultural and documentary heritage. Furthermore, it ensures the continued intergenerational transmission of indigenous knowledge, which is vital to addressing global challenges.

4. Despite their immense value, languages around the world continue to disappear at alarming rates. This is a cause for serious concern. According to the Permanent Forum on Indigenous Issues, no less than 40 per cent of the estimated 6,700 languages spoken as of 2016 were in danger of disappearing.[1] The fact that many of these are indigenous languages[2] places at risk the indigenous cultures and knowledge systems to which those languages belong.[3] Because many speakers of indigenous languages also use one or more other languages, this results in heightened risk, since indigenous languages become less indispensable.

5. Indigenous languages also represent complex systems of knowledge developed and accumulated over thousands of years. Local languages are indeed a kind of cultural treasure; they are repositories of diversity and key resources for both understanding the environment and utilizing it to the best advantage of local populations, as well as of humanity as a whole. They foster and promote local cultural specificities, customs and values which have endured for thousands of years.[4]

6. Each indigenous language represents a unique system and framework for understanding the world. Elaborate vocabularies are constructed around topics of particular ecological, economic or sociocultural importance. Knowledge is often

[1] Permanent Forum on Indigenous Issues, "Indigenous languages", backgrounder. Available at www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/backgrounderL2.pdf.

[2] Secretariat of the Permanent Forum on Indigenous Issues, "International expert group meeting on the theme indigenous languages: preservation and revitalization: articles 13, 14 and 16 of the United Nations Declaration on the Rights of Indigenous Peoples — 19 to 21 January 2016, New York", concept note. Available at www.un.org/esa/socdev/unpfii/documents/2016/egm/Concept_Note_EGMLanguages_FINAL_rev.pdf.

[3] United Nations Educational, Scientific and Cultural Organization (UNESCO), *Global Monitoring Report 2016: Education for People and Planet — Creating Sustainable Futures for All* (Paris, 2016), available at http://unesdoc.unesco.org/images/0024/002457/245752e.pdf.

[4] Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization.

captured or encoded in specific words and therefore is not easily transferable between languages. The loss of an indigenous language can therefore mean the loss of vital knowledge which could be harnessed for human improvement and sustainable development. Consequently, the disappearance of a language implies a huge negative impact upon the indigenous culture concerned, as well as on global cultural diversity. Unique ways of knowing and experiencing the world may disappear forever.

7. Reasons for the endangerment of languages vary across different communities and locations, but all represent a tremendous challenge to indigenous peoples — be they assimilation, enforced relocation, educational disadvantage, illiteracy, migration or other manifestations of discrimination eventually leading to the possibility of a culture or language being weakened almost to the point of disappearance. In practical terms, parents and elders may no longer pass on indigenous languages to their children and indigenous languages may fall out of daily use.

8. The issues around indigenous languages point to a significant cross-cutting pattern of disadvantage and discrimination affecting a wide range of various additional areas, including politics, law and justice, health, cultural practices and identities, the biosphere and access to information and communications tools, and thereby the whole field of scientific endeavour.

9. The celebration of the International Year of Indigenous Languages in 2019 will contribute to the attainment of the goals of the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization, the outcome document of the World Conference on Indigenous Peoples, held in 2014, [5] and other relevant documents, including UNESCO conventions and recommendations. It will also reinforce the contribution of all relevant actors, the United Nations, Member States and indigenous peoples to the achievement of the 2030 Agenda for Sustainable Development and the United Nations system-wide action plan on the rights of indigenous peoples, alongside other relevant United Nations frameworks, as well as the overall vision of the African Union contained in Agenda 2063: The Africa We Want.

10. The 2019 celebration will further contribute to the robustness and reinforcement of the many standard-setting tools adopted by the international community, among them specific provisions to promote and protect languages. Such tools include the Convention against Discrimination in Education (1960), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the United Nations International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention on the Rights of the Child (1989), the Convention on Biological Diversity (1992), the Declaration of Punta del Este (1999), the Universal Declaration on Cultural Diversity and its Action Plan (2001), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (2003), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Convention on the Rights of Persons with Disabilities (2006), the Charter for African Cultural Renaissance (2006), the International Charter of Physical Education, Physical Activity and Sport (2015).

[5] See General Assembly resolution 69/2.

B. Purpose of the action plan

11. The proposed action plan is designed to implement General Assembly resolution 71/178 and contribute to the realization of other recommendations contained in United Nations documents, including those of the Permanent Forum. The action plan calls for a coherent approach and for joint collaborative action by all stakeholders to achieve maximal positive impact and social change with regard to the indigenous languages and those who speak them.[6]

12. Following the proclamation of the International Year, the Permanent Forum, at its sixteenth session (see E/2017/43), invited Member States, in close cooperation with indigenous peoples, UNESCO and other relevant United Nations agencies, to participate actively in the planning of the Year and prepare a comprehensive action plan. The action plan will be translated into all United Nations languages, published on the website designated by the Permanent Forum for public consultations and presented at the seventeenth session of the Permanent Forum in April 2018.

13. The Human Rights Council, in its resolution 36/14, welcomed the proclamation by the General Assembly of the International Year, and encouraged Member States to participate actively and to uphold the spirit of the International Year by taking measures to promote and protect the right of indigenous peoples to preserve and develop their languages.

14. For the preparation of the action plan, under the guidance of the Department of Economic and Social Affairs of the Secretariat, UNESCO has organized open consultations with interested Member States, indigenous peoples, representatives of United Nations agencies, funds and programmes, the three United Nations bodies with specific mandates concerning indigenous peoples and other relevant stakeholders.

15. The present action plan provides a comprehensive overview of key objectives, principles and actions to be taken, during the International Year and afterwards. The action plan will set measurable objectives and inform all stakeholders about planned activities building upon the mandate and experience of UNESCO as lead United Nations entity for the International Year of Languages (2008).

16. The action plan will offer flexibility to adapt to emerging opportunities and challenges which may arise within the International Year and outlines major outcomes which are to be achieved in the immediate biennium 2018–2020.

[6] The Action Plan adopts a broad rather than a more restrictive approach towards indigenous languages, facilitating the inclusion of native languages, describing them as the languages currently or historically used by indigenous peoples and considered integral to their heritage, knowledge systems or identity. The identification of indigenous peoples has been a process of extended policy discussions within the United Nations and is set out in a series of normative instruments, most notably the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous peoples' self-identification includes distinct cultural traditions, close traditional connection with a specific territory and a language. The linguistic standing may vary from dominant to dominated, with the latter carrying de facto marginalization of languages or inequality status with respect to official national or regional languages.

C. Key principles of the action plan

17. The draft action plan is based on the following principles, which were identified during the consultative process:[7]

- **Centrality of indigenous peoples ("Nothing for us without us")**, according to the principle of self-determination and the potential to develop, revitalize and transmit to future generations the languages that reflect the insights and values of indigenous peoples, as well as their knowledge systems and cultures
- **Compliance with international normative instruments and standards**, in particular taking into consideration the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, which constitute the minimum standards for the survival, dignity and well-being of indigenous peoples
- **Joint action "delivering as one" in the spirit of enhancing efficient and coherent delivery across the United Nations system**,[8] in partnership with the Permanent Forum, the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and other stakeholders, as well as integrating the United Nations normative and operational mandates on the rights of indigenous peoples, working in collaboration with United Nations country teams
- **Building on the strengths of multi-stakeholder partnerships at all levels** in order to foster synergies, adequate responses and leadership
- **A holistic approach guided by the programming principles** underlying United Nations project delivery, namely a human rights-based approach and an accompanying legal framework, and embracing cultural sensitivity, gender equality, disability-inclusiveness and a paradigm which encourages both capacity-building and environmental sustainability
- **Synergy among different international development frameworks**, as well as documents related to sustainable development, reconciliation and peacebuilding, including the 2030 Agenda and the Sustainable Development Goals, the Education 2030 Framework for Action, the United Nations Framework Convention on Climate Change, the New Urban Agenda, the Charter for African Cultural Renaissance (2006), the Plan of Action on Cultural and Creative Industries in Africa (2008), Agenda 2063, the outcome of the World Summit on Information Society, including the Geneva Plan of Action, the Tunis Commitment and other documents of the Open Consultation Process on Overall Review of the Implementation of the World Summit on the Information Society Outcomes, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Small Island Developing States Accelerated Modalities of Action (SAMOA) Pathway, the Programme of Action for the Least Developed Countries for the Decade 2011–2020, the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets (especially target 18, on traditional knowledge), other multilateral processes and implementation of other plans and strategies

[7] Open consultations were organized by UNESCO during the sixteenth session of the Permanent Forum on 3 May 2017, during the meeting of the Expert Mechanism on the Rights of Indigenous Peoples on 11 July 2017 in Geneva and during a multi-stakeholder meeting on 11 and 12 December 2017 in Paris.

[8] See the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2016/5).

- **Results-based management** prioritizing actions and interventions for maximum positive impact.

II. Guiding framework

A. Multi-stakeholder partnership

18. The Permanent Forum, at its sixteenth session (see E/2017/43), invited Member States, in close cooperation with indigenous peoples, UNESCO and other relevant United Nations entities, to participate actively in the preparation of a comprehensive action plan and implementation of future activities.

19. A multi-stakeholder partnership for the International Year is a suitable approach for the involvement of all interested parties in mobilizing necessary support for the implementation of various initiatives associated with the International Year.

20. The multi-stakeholder partnership for the International Year will involve the following stakeholders:

- Member States
- Indigenous peoples' representatives, including designated representatives from the seven sociocultural regions, and other indigenous peoples' organizations
- United Nations entities, including representatives of the Inter-Agency Support Group on Indigenous Issues and the United Nations Voluntary Fund for Indigenous Peoples, as appropriate
- Indigenous-specific United Nations three-party mechanisms, namely the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples
- Academia
- Non-governmental organizations (NGOs)
- Civil society
- Public institutions and the private sector
- Other organizations.

21. The multi-stakeholder partnership would have a structure comprising:

- A steering committee to provide guidance and oversee overall implementation of the action plan
- Ad hoc group(s) to provide advice on specific aspects of the action plan's implementation
- Partners to contribute to the implementation of the action plan.

B. Role of the steering committee

22. UNESCO will facilitate the implementation process for the International Year, in collaboration with the steering committee, which will be established as an international multi-stakeholder entity. The steering committee will elect a chair and

vice-chair, and be supported by the secretariat of UNESCO in implementing the action plan.

23. The steering committee will consist of the representatives and alternates (18 in total):

- Interested Member States (1 chair and 5 vice-chairs)
- Leaders and representatives of indigenous peoples and institutions from the seven sociocultural regions (1 co-chair and 6 vice-chairs)
- Designated members (1 representing the Permanent Forum; the Special Rapporteur on the rights of indigenous peoples; and 1 from the Expert Mechanism on the Rights of Indigenous Peoples)
- UNESCO (secretariat) and Department of Economic and Social Affairs (advisory role).

24. The steering committee will provide guidance on the overall implementation of the International Year, including, but not limited to, the following functions:

- Elaboration of the action plan
- Guidance for, and monitoring of, the Plan's implementation
- Monitoring of new requests for Steering Committee membership, including by other organizations, institutions, NGOs and major international stakeholders on an ad hoc basis
- Assistance for the mobilization of financial resources
- Periodic updates, feedback and stimulation of dialogue with partners, using remote communication means when appropriate
- Oversight of the report to the United Nations on the implementation of the International Year, as well as of legacy documents
- Supporting the establishment of indigenous peoples' own initiatives in terms of their contributions to the preparations for the International Year
- Preparation of a follow-up or monitoring proposal for the International Year.

25. The following principles are to be taken into consideration for the establishment of the steering committee:

- Involvement of indigenous peoples' representatives
- Geographical balance, equal opportunities for men and women, and disability inclusiveness
- Expertise and competence in the field of languages and other relevant domains.

26. Regional, national and/or thematic stakeholder networks, as well as working groups focused on specific indigenous language-related issues, may also be established, including national or community steering committees and potentially including representatives of Government, indigenous peoples, United Nations country teams and other public-private actors. This will be done through communities and indigenous organizations which represent speakers of indigenous languages, the national commissions of UNESCO, UNESCO Chairs, the UNESCO Associated Schools Project Network, centres of excellence, institutes, academic or public institutions, the private sector and other institutional and individual partners.

III. Elements of the action plan

A. Major objective of the International Year

27. The 2019 International Year of Indigenous Languages will be a yearlong series of activities whose impetus will be carried forward to future months and years:

- Focusing global attention on the critical risks confronting indigenous languages and the significance of such risks for sustainable development, reconciliation, good governance and peacebuilding
- Targeting steps which will lead to improved quality of life, enhanced international cooperation and strengthened intercultural dialogue, and reaffirming cultural and linguistic continuity
- Delivering increased capacities on the part of all stakeholders to take concrete and sustainable measures at every level to support, access and promote indigenous languages around the world in accordance with the legitimate rights of indigenous peoples.

28. The International Year will take the form of action-oriented activities in the following three thematic areas,[9] which encompass both the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals:

- Support for the revitalization and maintenance of indigenous languages through measures to guarantee more materials, expanded content and a wider range of services, using language technologies and information and communications technologies, where appropriate, in order to improve everyday use of indigenous languages and encourage best practice, equality and proficiency in their use (support)
- Preservation of indigenous languages, access to education, information and knowledge in and about indigenous languages for indigenous children, young people and adults, improvement of data collection and sharing of information in and about indigenous languages, using language technology and other communication and information mechanisms (access)
- Mainstreaming the knowledge areas and values of indigenous peoples and cultures within broader sociocultural, economic and political domains, applying specific language technologies and other relevant methods of communication and information, as well as cultural practices such as traditional sports and games, which can provide enhanced access and empowerment for indigenous language speakers (promotion).

B. Impact and objectives

29. The International Year will be found to have contributed, including over the long term, to the support of, access to and promotion of indigenous languages and to a concrete improvement in the lives of indigenous peoples by strengthening the capacities of indigenous language speakers and relevant indigenous peoples' organizations. It will also move other stakeholders to take appropriate action in

[9] Three thematic areas proposed in the action plan are clustered around three key terms (support, access and promotion of indigenous languages) but are not limited to the areas described in paragraph 28.

support of indigenous languages and encourage them towards attaining the goals of the United Nations Declaration on the Rights of Indigenous Peoples, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and other normative frameworks.

30. It is also expected that Member States, indigenous peoples, civil society, academia, public institutions and the private sector, as well as other stakeholders, will make concrete commitments to support, provide access to and promote indigenous languages, including by offering financial support for related activities through existing funding modalities.

31. More specifically, it is expected such an impact will include:

- A world which, at the global, national and local levels, awards the honour and respect of official status to linguistic diversity and indigenous languages on the grounds that they are essential for the enjoyment of human rights and individual freedoms, and for reconciliation and peacebuilding
- Indigenous peoples, tribes and nations will be more empowered to ensure better transmission of indigenous languages to future generations, while other actors will better appreciate and leverage the vital contribution of indigenous languages to improving and shaping key United Nations development outcomes, as well as make every effort, through modern technology and traditional ways (e.g. traditional sports and games) to preserve, promote and revitalize indigenous languages
- A more enabling environment will be created, at the national, regional and global levels, using a range of institutions, structures and mechanisms, representing indigenous peoples, tribes and nations, to preserve, revitalize and promote indigenous languages, as well as to adopt policy frameworks, legislation, ethical accessibility standards and other benchmarks or indices that reduce inequalities and at least mitigate discrimination against speakers of indigenous languages
- Individuals, including those belonging to indigenous communities, driven by shared human values and reinforced with self-identified competencies, will be measurably more likely to thrive and prosper in a diverse and rapidly changing world. Special attention will be paid to making available appropriate tools such as creative educational initiatives, traditional sports and games and other devices which help in the transmission of indigenous languages and to empowering indigenous children and their parents, youth leaders, girls and women, persons with disabilities and people in migrant situations.

C. Main areas of intervention

32. During the period 2018–2020, the following five main intervention areas, each with its own associated outcomes, outputs and activities, are envisaged in the action plan, and will be set out in a subsequent workplan:

Intervention area 1
Increasing understanding, reconciliation and international cooperation

Outcome 1:

Increased understanding, reconciliation and international cooperation among different stakeholders through coordinated advocacy and awareness-raising programmes focused on upholding and reinforcing the human rights of indigenous

language speakers, deploying necessary resources and robust data through national statistics institutions, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, the 2030 Agenda for Sustainable Development and other international and national laws related to indigenous peoples and multilingualism, and other relevant normative instruments and strategies.

Outputs:

1.1. Encouraged international cooperation among South-North and South-South partners, emphasizing the participation of organizations or networks of indigenous peoples and other relevant organizations or networks, thereby stimulating global debate on the importance of mainstreaming indigenous languages towards achieving the 2030 Agenda and the relevant Sustainable Development Goals.

1.2. Established new and innovative public-private partnerships and practitioner communities as focal points within societies in order to support, promote and empower indigenous peoples, through greater access to multilingual information and knowledge, and in particular targeting outstanding exemplars such as those who have won distinction as Olympic athletes or other champions and practitioners of various sports and games, including traditional ones.

1.3. Sustained the traditional ceremonies of indigenous peoples and more broadly supported their cultural heritage through enhanced cooperation among cultural bodies, i.e. information centres, libraries and memory organizations, together with faith-based institutions, youth bodies and creative industries, including music, dance, sports, photography and poetry, and by building closer links with indigenous artists and their networks, and cooperating with the private sector.

1.4. Strengthened international cooperation among various partners to operationalize data collection, storage and evaluation with regard to indigenous languages, liaising with existing ongoing statistical and data collection initiatives.

Intervention area 2
Creation of favourable conditions for knowledge-sharing and dissemination of good practices with regard to indigenous languages

Outcome 2:

Delivered support, through the development of improved tools, contents and services, towards the sharing and enhancement of information, research and understanding about indigenous languages, conditional upon the involvement and active participation of the holders of such languages and knowledge, and additionally stimulated collaboration between relevant stakeholders in monitoring progress across all relevant fields, facilitated through improved data collection and evaluation.

Outputs:

2.1. Promoted principles and frameworks which support ethical dissemination of indigenous knowledge through existing international mechanisms for the protection of intellectual property and other means of disseminating information, including online platforms.

2.2. Raised awareness of the significance of indigenous language issues within the context of the international, regional and national development agendas and plans, through the impact generated by special events and mechanisms such as international days, cultural or sporting festivals, traditional sports and games events, and

intergovernmental programmes which provide a platform for knowledge-sharing and dissemination of good practices.

2.3. Stimulated the development of appropriate knowledge-sharing platforms and the creation of language technologies and digital resources which support, promote and make more accessible indigenous languages, personal self-esteem and pride, and facilitate their use in different sociocultural, economic and environmental situations.

2.4. Provided support at the technical level for statistics that can be readily and effectively operationalized to assess demographic trends, the status of particular languages and changes in linguistic diversity.

Intervention area 3
Integration of indigenous languages into standard-setting

Outcome 3:

Strengthened national and regional capacities to assess and mainstream indigenous languages and, as far as possible, to integrate them into national policies, strategic plans and regulatory frameworks.

Outputs:

3.1. Provided assistance for policy analysis, monitoring and programme delivery in education, culture, science, social and human sciences, and communication and information, alongside other relevant fields such as employment, health care and social inclusion, in alignment with the United Nations Development Assistance Framework, the 2030 Agenda, the Sustainable Development Goals and other international, regional and national perspectives, and United Nations declarations and initiatives, all targeted comprehensively at supporting, promoting and making accessible indigenous languages.

3.2. Elaborated practical guidelines to deliver and monitor policy measures taken to support, promote and make accessible indigenous languages, as well ensured that indigenous languages are used in teaching, research and administration.

3.3. Ensured that indigenous languages are documented with the active participation of the language holders and, where possible, indigenous peoples are empowered to make informed decisions about the self-recording and documentation of their languages and the further utilization of records in the public domain.

Intervention area 4
Empowerment through capacity-building

Outcome 4:

Delivered expanded educational capacity to provide more equitable and inclusive access to education in areas where indigenous languages and traditional knowledge feature prominently, the improvements being derived from new and open educational resources associated with relevant learning strategies, progressive teaching methods and teacher education, and a wide range of language tools and materials, from traditional methods to cutting-edge information and communications technology solutions.

Outputs:

4.1. Reinforced institutional capacity and readiness to put in place inclusive educational policies with a view to raising professional standards at all educational levels, including in the field of lifelong learning, and providing inclusive education to all learners.

4.2. Trained more and better qualified teachers and education specialists as a result of targeted educational policy interventions, including those suited especially to addressing the needs of younger learners, girls and women, persons with disabilities, and those in migrant situations.

4.3. Developed new and open educational resources to facilitate teaching and learning in indigenous languages, as well as integrating indigenous cultures and traditional knowledge into mainstream educational courses and programmes, and creating bespoke writing systems for indigenous languages to improve learning.

4.4. Supported formulation, review and implementation of coherent polices to develop a complete linguistic framework for indigenous languages which will promote research into those languages, as well as enhance the ability of indigenous professionals to teach in their mother tongue, and developed the skills of indigenous peoples necessary for participation in educational decision-making.

4.5. Encouraged participatory and creative initiatives, fostering dissemination and teaching of indigenous languages involving popular traditional cultural and ritual practices, whether transmitted orally or in writing, e.g. traditional sports and games, and used traditional practices, such as advocates of traditional sports and games, for inclusive lifelong learning opportunities and dynamic forms of values-based education, nurturing intercultural and intergenerational dialogues.

Intervention area 5
Growth and development through elaboration of new knowledge

Outcome 5:

Engaged and encouraged the global academic and scientific community to leverage the value residing in the intellectual assets and cultural and linguistic heritage of indigenous peoples both for their own benefit and for wider society on a national, regional and global scale.

Outputs:

5.1. Expanded and enriched the knowledge base by introducing contributions from the indigenous cultural and linguistic heritage, and embedding them in national, regional and global development perspectives and strategies.

5.2. Promoted the exchange of scientific knowledge and sharing between cultures, with a view to their reconciliation and subsequent integration into policymaking and decision-making processes.

5.3. Alerted stakeholders to pay increased regard to a wide range of perspectives affecting indigenous languages and cultures, with particular reference to the perspectives and statements of United Nations entities and other institutions.

D. Key outputs

33. The action plan foresees the following detailed but not necessarily comprehensive listing of outputs and activities:

- Communication kit for the International Year (logo, guidelines and publicity materials)
- Official International Year website to showcase communication campaigns (including on social media), short documentary films and other audiovisual materials; a calendar of events, notably mobilizing cultural and traditional resources around the world; relevant research; and best practices
- International Year launch event, closing ceremony and other special events around the world
- Flagship publication on *Indigenous Languages around the World* (paper and electronic versions)
- Additional published data and research outcomes on traditional knowledge and issues relating to indigenous languages
- Nomination of International Year ambassadors, language champions and promoters
- Involvement of Goodwill Ambassadors and Artists for Peace from UNESCO and other United Nations system organizations for the promotion of the International Year
- Involvement of indigenous Olympians, athletes and practitioners of traditional sports and games as role models or champions for indigenous languages, including those participating at the third World Indigenous Nations Games
- Involvement of UNESCO Chairs and the Associated Schools Project Network
- A series of media partnerships delivering both global and specialized media, cultural and film festivals
- Flagship initiatives launched by partners
- Linkages of the International Year with side events, such as international, regional and national conferences, summits, meetings, gatherings, cultural and sports events, and commemoration of international days
- Initiation of new international days such as an Indigenous Languages Day, if possible
- Showcase of new learning and teaching materials (such as teacher courses and dictionaries), a number of capacity-building workshops designed for teacher training institutions (including teachers in service) and launch of new language technologies
- Series of cultural events associated with International Year, including exhibitions, concerts, film festivals and screenings, and traditional sports and games festivals and contests
- A final report on implementation of the action plan at the end of International Year, informational documents on follow-up beyond 2019 to meet the requirements of the Executive Board of UNESCO and, additionally, if requested by Member States, of the General Assembly in 2020.

E. Participation modalities

1. Calendar of events

34. The action plan comprises a list of events, conferences and meetings which will be scheduled under the auspices of International Year according to the 15 event categories listed below[10] and the expected outputs,[11] as well as be linked to the road map towards strategic objectives (see annex). This categorization will provide a useful overview and also allow a greater coordination of efforts towards achieving the strategic objectives and the desired impact for the International Year.

2. Partnerships and support

35. The outreach of the International Year is global, attracting an audience from stakeholders, including governments, indigenous peoples, civil society, international and regional organizations, academia, the private sector, the media and others, all working within a viable budgetary framework.

36. Through engaging in the International Year, partners from the public and private sectors will benefit from worldwide visibility and association with the values of the United Nations in a truly global initiative, offering unique networking opportunities. Furthermore, the contributions of partners (in the form of financial and/or human resources) will allow UNESCO and associated partners to carry out coordinated activities which showcase the importance of indigenous languages for sustainable development, reconciliation and peacebuilding.

37. Different models will be proposed for stakeholder partnerships and support for the implementation of the International Year, including financial and non-financial voluntary contributions (the latter comprising volunteer programmes, secondment agreements, the loaning of experts, joint advocacy and knowledge exchange). All partner contributors will be highlighted prominently throughout the International Year and receive public acknowledgement.

38. Partners can provide significant in-kind support and may wish to target sponsorship for specific events or activities, for example, acting as a partner broker — opening pathways to other partners — to facilitate collaboration with additional public or private sector partners. There will be tailor-made sponsorship opportunities adaptable to the preferences of contributors, as long as the value of in-kind support, or the combined value of financial contributions and in-kind support, substantially adds to the end value accruing to the International Year. It should be noted that tailor-made sponsorship may include the support of certain specific high-profile events such as the opening and closing ceremony or conference).

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[10] The event categories are the following: (a) international conference of States, (b) international meetings, (c) non-governmental organizations, (d) international congress, (e) advisory committees, (f) expert committees, (g) seminars and training/courses, (h) symposiums, (i) concerts, (j) performance/theatre, (k) exhibitions, (l) sports events, traditional sports and games, (m) film screenings, (n) media and (o) online events.

[11] Expected outputs include decisions, recommendations and conclusions addressed to intergovernmental organizations, promotion of the exchange of knowledge at the international and national levels, advice on the execution programmes, advice on the formulation of programmes, training, promotion of cultural expression, promotion of sports and traditional sports and games, and dissemination of information.

Annex

Road map towards strategic objectives

The following is a tentative road towards achieving strategic objectives and expected impacts:

2016	2017	2018		2019		2020
Category I **General Assembly resolution 71/178 on organizing the International Year**	Category II Permanent Forum (sixteenth session) UNESCO open consultations (2 May 2017) **Recommendation to prepare the action plan**	Category II Permanent Forum (seventeenth session) **Recommendation to implement the action plan**		Category II Permanent Forum (eighteenth session) **Recommendation on the execution of the action plan**		Category II Permanent Forum (nineteenth session) **Recommendation or endorsement of the report on the implementation of the action plan to the General Assembly and resolution (follow-up)**
	Category VI Expert Mechanism (tenth session) UNESCO open consultations (11 July 2017) **Advice on the formulation of the action plan**	Category VI Expert Mechanism (eleventh session) **Advice on the execution of the action plan**		Category VI Expert Mechanism (twelfth session) **Advice on the execution of the action plan**		Category I General Assembly (seventy-fifth session) **Endorsement of the report on the implementation of the International Year and resolution**
	Category VI Meeting of the steering committee in Paris (11–12 December 2017) **Advice on the formulation of the action plan**	Other events: Category V Launch of the International Year	Outcome: **Advice on the execution of the action plan and promotion and exchange of knowledge**	Other events Category III Category IV Category V Category VI Category VII Category VIII Categories IX–XV Category II (international meeting) **Outcome document: recommendations for the preparation of the report on the implementation of the International Year**	Outcomes **Recommendations, promotion and exchange of knowledge** **Promotion of cultural expression** **Other**	(decision on the follow up, if requested by the General Assembly)